

SEVENTEENTH REPORT  
OF THE  
BOARD OF  
RAILWAY COMMISSIONERS  
FOR CANADA

FOR THE YEAR ENDING DECEMBER 31

1921

*PRINTED BY ORDER OF PARLIAMENT*



OTTAWA  
F. A. ACLAND  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1922



THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Hon. F. B. CARVELL, K.C., *Chief Commissioner.*

S. J. McLEAN, M.A., LL.B., Ph. D., *Assistant Chief Commissioner.*

Hon. W. B. NANTEL, K.C., LL.D., *Deputy Chief Commissioner.*

A. C. BOYCE, K.C., *Commissioner.*

J. G. RUTHERFORD, C.M.G., *Commissioner.*

C. LAWRENCE, *Commissioner.*

A. D. CARTWRIGHT,  
*Secretary.*





## CONTENTS

|   | PAGE |
|---|------|
| Accidents and accident investigations.. . . . .         | 27   |
| Applications to the Board, total number 3,455.. . . . . | 26   |
| Appeals from decisions of the Board.. . . . .           | 26   |
| Engineering Department of the Board.. . . . .           | 27   |
| Fire Inspection Department of the Board.. . . . .       | 29   |
| Formal and informal matters.. . . . .                   | 5    |
| General decisions and rulings of the Board.. . . . .    | 8    |
| Index to principal Judgments of the Board.. . . . .     | 261  |
| Operating Department of the Board.. . . . .             | 27   |
| Public sittings of the Board.. . . . .                  | 5    |
| Railway Grade Crossing Fund.. . . . .                   | 6    |
| Routine work of the Board.. . . . .                     | 29   |
| Record Department.. . . . .                             | 30   |
| Traffic Department of the Board.. . . . .               | 27   |

## APPENDICES

|  | PAGE |
|--|------|
| Appendix "A"—Principal Judgments of the Board for the year ending<br>December 31, 1921.. . . . .                           | 31   |
| (For alphabetical index to judgments <i>see</i> page 261)  |      |
| Appendix "B"—Report of the Assistant Chief Traffic Officer of the Board for<br>the year ending December 31, 1921.. . . . . | 161  |
| Appendix "C"—Report of the Chief Engineer of the Board for the year ending<br>December 31, 1921.. . . . .                  | 172  |
| Appendix "D"—Report of the Chief Operating Officer of the Board for the<br>year ending December 31, 1921.. . . . .         | 177  |
| Appendix "E"—Report of the Chief Fire Inspector of the Board for the year<br>ending December 31, 1921.. . . . .            | 218  |
| Appendix "F"—Cases Carried to the Supreme Court.. . . . .  | 225  |
| Appendix "G"—General Orders and Circulars of the Board for the year ending<br>December 31, 1921.. . . . .                  | 228  |







# REPORT

OF THE

## BOARD OF RAILWAY COMMISSIONERS FOR CANADA

*To the Governor in Council:*

Pursuant to the provisions of section 31 of the Railway Act, 1919, the Board of Railway Commissioners for Canada has the honour to submit its Seventeenth Report for the year ending December 31, 1921.

Since the publication of the last report there have been no amendments made to the Railway Act.

### PUBLIC SITTINGS OF THE BOARD

During the year covered by the period from January 1, 1921, to the December 31, 1921, the Board held 68 public sittings at which 421 applications were heard. The number of public sittings held in the various provinces were as follows:

| Provinces                | Number |
|--------------------------|--------|
| Ontario.. . . .          | 41     |
| Quebec.. . . .           | 5      |
| Manitoba.. . . .         | 4      |
| Saskatchewan.. . . .     | 4      |
| Alberta.. . . .          | 4      |
| British Columbia.. . . . | 7      |
| Nova Scotia.. . . .      | 2      |
| New Brunswick.. . . .    | 1      |
| Total.. . . .            | 68     |

The applications include a great variety of matters falling within the jurisdiction of the Board under the Railway Act, varying from the complaint of a private individual to weightier matters of general public interest affecting the community as a whole.

### FORMAL AND INFORMAL MATTERS

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitute a considerable percentage of the total applications and complaints dealt with by it, that is to say, of a total of 3,455 applications and complaints received and dealt with by the Board 88 per cent were disposed of without the necessity of such formal hearing. These informal complaints, dealt with and settled without the necessity of hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the Board's officials, and cover a wide range of subjects, as, for example, a complaint of a more or less trivial nature to a matter of general public interest affecting the community as a whole, or involving the application of some general principle, regarding the railway rates.



RAILWAY GRADE CROSSING FUND

In accordance with the provisions of subsection (5) of section 262 of the Railway Act, 1919, provision was made that the sum of \$200,000 each year, for ten consecutive years from the 1st day of April, 1919, was appropriated and set apart from the consolidated revenue fund for the purpose of aiding in the providing by actual construction work of protective safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 31st day of December, 1921, 471 orders, providing protection for 527 crossings as follows:—

|  |     |
|--|-----|
| By Electric bells.. . . . .                                | 262 |
| " Gates.. . . . .  | 115 |
| " Subways.. . . . .  | 54  |
| " Overhead bridges.. . . . .                               | 25  |
| " Diversion of highways.. . . . .                          | 35  |
| " Closing of streets.. . . . .                             | 10  |
| " Removal of view obstructions.. . . . .                   | 8   |
| " Shelter.. . . . .  | 1   |
| " Towers.. . . . .   | 3   |
| " Wig-wags.. . . . .                                       | 8   |
| " Bell and wig-wag.. . . . .                               | 26  |
| " Diversion of highway and subway.. . . . .                | 1   |
| " Diversion highway and removal view obstruction.. . . . . | 1   |
| " Bell and removal view obstruction.. . . . .              | 1   |

It will be seen by comparing the total number of crossings protected with the sixteenth annual report of the board, that the increase for the twelve months ending December 31, 1921, in the number of crossings protected, number 30, made up as follows:—

|  |    |
|--|----|
| By Gates.. . . . .                       | 2  |
| " Subways.. . . . .                      | 2  |
| " Bridges.. . . . .                      | 1  |
| " Diversion highways.. . . . .           | 3  |
| " Closing of streets.. . . . .           | 3  |
| " Removal view obstructions.. . . . .    | 3  |
| " Wig-wag.. . . . .                      | 3  |
| " Bell and wig-wag.. . . . .             | 20 |
| " Diversion highway and subway.. . . . . | 1  |

NOTE.—Thirty crossings and 38 protections consequent on account of double bells and wig-wags at 4 crossings; double bell and wig-wag and removal view obstructions at 1 crossing; and 2 diversions closing 3 crossings.

It will be noted that under the new consolidated Railway Act provision is made that the total amount of money to be apportioned and directed and ordered by the Board to be payable from the annual appropriation, shall not in the case of any one crossing exceed twenty-five per cent of the cost of the actual construction work in providing such protection, and shall not in any such cases exceed the sum of \$15,000, and that no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality, or more than once in any one year to any one crossing.

Subsection (3) of section 262 of the consolidated Railway Act provides that in case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its contribution.



SESSIONAL PAPER No. 20c

## GENERAL ORDERS

The following is a brief summary of some of the matters dealt with under the Board's General Orders:—

Direction in the matter of the rate of exchange in connection with shipments of freight between points in Canada and points in the United States, that the railway companies subject to the Board's jurisdiction be permitted to publish and file tariffs effective January 22nd, 1921, showing *inter alia* the exchange surcharge on international shipments other than coal and coke, to be added to the total through charges including advanced charges payable to United States carriers when payable and collected in Canada, as set out in the order, and further directing that the companies make monthly returns to the Board showing the amount of surcharges collected.

Direction in the matter of the application of the Express Traffic Association of Canada, on behalf of the express companies subject to the Board's jurisdiction, for an increase of 40 per cent in the tolls at present in effect, that the changes in the tariffs of the express companies subject to the jurisdiction of the Board, as set forth in the judgment of the Chief Commissioner, dated February 2, 1921, which was made part of the Board's order, be authorized.

Direction authorizing the use of the Hart type of wooden packing for frogs, wing rails, guard rails, and switches on railways subject to the Board's jurisdiction.

Direction that the railway companies subject to the Board's jurisdiction adopt and put into force, not later than the 1st day of June, 1921, certain regulations regarding the inspection of railway steam boilers and other locomotive boilers, as set forth in detail in the Board's General Order No. 330.

Direction in the matter of exchange on passenger charges payable in respect to international traffic between Canada and the United States, providing a surcharge based on the full rate of exchange arrived at in accordance with the provisions of the Board's order may be added to the total through fares and charges as set out in section 6 of the order, and be collected in Canada on all passenger and baggage car traffic to United States destinations from points in Canada via the routes set out in the order, but subject to certain exemptions as therein provided.

Direction providing for the amendment of livestock valuations in the classification of household goods and settlers' effects as set out on page 100 of the Canadian Freight Classification No. 16, so as to agree with the provisions of section 1 of the Live Stock Bill of Lading, Schedule "A," approved by the Board's General Order No. 298.

Directions prescribing the form, size and style of the tariffs of telephone tolls to be charged by telephone companies and amending certain of the Board's orders to provide for the approval of the system of publication of long distance tolls, known as the "Standard Toll Rate Quoting System."

Direction providing that the Board's General Order No. 236 prescribing certain regulations for the protection of railway employees be amended by adding to paragraph 2 thereof a clause providing that in the case of the leading engine giving up the train short of the destination of the train, test of the brakes must be made to see that the same are operative from the engineer's valve to the engine remaining with the train.

Direction that paragraphs 6 and 9 of rule 99 of the Board's General Order No. 42 approving of a Uniform Code of Rules for Canadian Railways, be struck out and certain clauses, as set out in the order, substituted therefor making for better protection of trains.

Direction in connection with the question of charges for fixing car doors and loading charges in cases where box cars are supplied by a railway company in lieu of stock cars ordered by the shipper, by providing that the doors of the cars shall be fixed to the satisfaction of the shipper at the expense of the railway company having the line haul, and that where box cars are supplied by a railway company to



livestock shippers in lieu of stock cars the loading charge shall be based on the number of cars which would have been loaded had stock cars been supplied by the company.

Direction that all railway companies subject to the Board's jurisdiction interested in the coal movement in the three Prairie Provinces be required to reduce the rates on coal from mines in the provinces of Alberta and Saskatchewan to points in the provinces of Alberta, Saskatchewan, and Manitoba by 10 per cent, including coal actually billed out up to and including the 31st day of August, 1921.

Direction that the tracks of all railway companies subject to the jurisdiction of the Board, laid after the 1st day of January, 1922, be placed at certain minimum distances as therein set forth, and that any such tracks now laid which are rearranged after January 1, 1922, be placed in accordance with the minimum clearances provided in the order.

Direction amending section 1832 (dealing with the transportation of white or yellow phosphorus) of the Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, as authorized by the Board's General Order No. 204, dated August 11, 1917, be amended as therein set forth.

Direction that rule 9 of the Canadian Car Demurrage Rules as prescribed by the Board's General Order No. 201, dated August 1, 1917, be amended by striking out all the words after the word "released" and substituting provisions to the effect that the charge for the first day or fraction thereof of delay shall be \$1; for the second day, \$1; and for the third and each succeeding day or fraction thereof, \$5.

Direction of the Board that there should be a general reduction in the tolls which were increased under its General Order No. 308, dated September 9, 1920, by providing that the railway companies under the Board's jurisdiction file tariffs effective December 1, 1921, providing for reductions in domestic freight rates within Canada, as set out in the order.

## GENERAL DECISIONS AND RULINGS OF THE BOARD

Submitted herewith, epitomised, are some of the more important matters dealt with by the Board at its public sittings for the year ending December 31, 1921. The principal judgments of the Board will be found under appendix "A" to this report.

### APPLICATION OF BELL TELEPHONE COMPANY FOR INCREASE IN TELEPHONE TOLLS

By its General Order No. 264, dated May 13, 1919, the Board, as an emergency measure, to meet the advances in operating costs, authorized temporary increases in the telephone tolls of the company, retaining control of the case so that the revision of the emergency tools might be considered later. The increased tolls for long distance service became effective under said Order No. 264, May 13, 1919; the increase for exchange service on July 1, 1919.

In support of the present application, the company alleged that the increases allowed under the said General Order No. 264 amount in fact only to 10 per cent instead of 20 per cent as applied for; that the cost of labour and materials had continued to advance rapidly since the issue of Order No. 264; and that as a result the increased rates allowed under that order were insufficient to meet the company's requirements.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner McLean, dated April 1, 1921, concurred in by Deputy Chief Commissioner Nantel and Commissioner Boyce, Vol. 11, No. 2, Board's Judgments, at p. 35.

*Summary of Judgment.*—In disposing of this later application, the increase of material and wage costs, the company's various assets and resources, and its deal-



SESSIONAL PAPER No. 20c

ings with reserves, depreciation, and replacements were also taken into consideration. It was found, upon the evidence submitted, that there was, on the basis of the projected year from May, 1920, to May, 1921, a deficit in the necessary revenue of some \$2,100,000. Against this, the increased long distance charges were computed to give \$969,033 and the service connection charge, \$181,000; in round numbers, \$1,150,000, which left approximately \$1,000,000 to be obtained from the exchange service.

Treating the matter still as a temporary measure to meet an existing emergency situation, an increase of 10 per cent in the exchange service was allowed. (Owing to an error in computation as to the earnings of the company, it developed that an increase of 12 per cent in such rates was necessary to provide the required revenue. The amount therefore increased to 12 per cent by a later judgment and order.) The Board, as previously, to retain the conduct of the case. The company to continue filing monthly reports as at present, and such special further rates, if any, as from time to time may be called for by the Board.

The relationship of the Northern Electric Company with the Bell Company considered. The view expressed that, while the Board was given no supervisory power in regard to intercorporate relations, if, in its dealings with the Northern Electric, the prices to the Bell were enhanced, that would be a legitimate matter for consideration in the present application. It was not shown that the prices charged to the Bell by the Northern Electric were unreasonable. The installation of the measured rate service, referred to, not passed upon.

A monthly instead of a quarterly basis of payment allowed.

The discrimination between the Montreal and Toronto rates, complained against by the Montreal interests, dealt with, and, in consonance with the Board's uniform practice, namely, that the one discriminated against should have the advantage of being put on the lower basis, Montreal was given the Toronto rate.

The extension of what is known as the party-line system, with its advantages, discussed.

MUNICIPALITIES OF DUNDAS, HAMILTON, ROCKWOOD, ETOBICOKE, WAINFLEET, AND OTHERS  
AGAINST THE BELL TELEPHONE COMPANY OF CANADA

The rearranging of district rates was involved in the above applications. In the localities in question, two or more exchanges had inter-telephonic communication on a common rate. Ordinarily, in the case of a city or town, the area in which the telephone rate of the exchange is applicable is defined either by the municipal boundaries or by a certain defined mileage distance from the exchange.

The facts are fully set out in the judgment of Asst. Chief Commissioner McLean, dated April 26, 1921, concurred in by Chief Commissioner Carvell and Commissioner Boyce, Board's Judgments, Vol. 11, No. 4, p. 83.

*Summary of judgment.*—The Dundas complaint was against the proposed increase in rate between Dundas and Hamilton. The Hamilton business rate, at the time of the application, was \$49.50, as compared with the Dundas rate of \$27.50. The comparative residence rates were \$33 and \$22. There were 489 subscribers in Dundas as against 11,840 in Hamilton. Subscribers in Hamilton were given free connection with subscribers in Dundas. The Dundas subscriber had the option of paying the Dundas rate and the toll rate for messages between Dundas and Hamilton, or the Hamilton rate, which gave him free access to the telephones of both places.

The telephone company's proposal was that the exchanges should be separated, each doing business on its own exchange, the interchange business to be taken care of by means of long distance toll rates on a 10-cent basis. At the close of the hearing, the company offered to establish a two-number service between Hamilton and Dundas, at a charge of 5 cents.



The rearrangement proposed by the company was opposed on the ground that the arrangement between the two places was of very long duration, and that it would effect an increase in the revenues of the telephone company. For the company, it was urged that the bulk of the Hamilton subscribers did not want to connect with the bulk of the Dundas subscribers, and the bulk of the Dundas subscribers were in the same position; that if the Hamilton rate were applied generally, the Dundas subscribers generally would be called upon to pay a larger toll for the benefit of a small percentage of subscribers in both areas.

In the township of Etobicoke, there existed free interchange of service between Weston, Islington, and New Toronto. The company's proposal was that the free service be continued between New Toronto and Islington, but a toll charge be made for all calls from these exchanges to Weston and from Weston to these exchanges. The objection was that the result would be to increase the cost of the service and add to the revenues of the company. It was objected, further, that the proposed rearrangement was in violation of the understanding upon which the Bell Company was given permission to erect its poles in the municipality; that it was upon the strength of the existing service that the township refrained from establishing an independent municipal service of its own.

In the case of the township of Wainfleet, there was at the time of the application a district service for the exchanges at Welland, Ridgeville, Smithville, Wellandport, and Marshville. The company's proposal was to combine Ridgeville and Welland in one district, and leave the other three in another district.

The submission on the part of those opposing the application was that the subscribers had taken their telephones on the assumption that there was to be a free service between the different points. Each of the points had a local exchange. The contention was that there was such a community of interest that there was no justification for the subdivision proposed.

Rockwood had direct connection with Guelph. The service between these two points had been in existence for some ten or twelve years. Here, too, it was claimed that the Rockwood subscribers were obtained only upon the understanding that they would have free service with Guelph.

The village of Grimsby's application was concerned with a situation in the Vineland-Grimsby district. There was, at the time of the hearing, a free service between Beamsville, Vineland, Winona, and Grimsby. Under the new tariff, free service was provided for between Beamsville and Vineland and between Grimsby and Winona, with a 10-cent charge per message from Vineland to Grimsby and Winona and from Beamsville to Winona and Grimsby.

The company's contention was that the free service was of value to a comparatively small percentage of subscribers. Here, as in the other cases, those opposing the change laid stress on community of interest.

Former rulings of the Board and their application to the situation in the cases here summarized, referred to and discussed. These rulings, shortly stated, were in effect that the Board's control over telephone companies was a limited one; that it was a rate jurisdiction rather than a facility or service jurisdiction; that certain clauses of the Railway Act, specifically mentioned, only made applicable; that it was significant as tending to show it was not intended to give the Board jurisdiction to deal with the facilities telephone companies should be required to furnish that the section of the Act, commonly known as the facility clause, was expressly excepted.

Held, that the district rearrangements were within the scope of the company's powers, and that the Board was without jurisdiction to interfere, except where a question of discrimination was raised. The question of discrimination was not raised, and consequently the suspending orders which had been issued pending the hearing of the applications should be rescinding. Ordered accordingly.



## SESSIONAL PAPER No. 20c

APPLICATION OF THE DOMINION SUGAR COMPANY, WALLACEBURG, FOR A REDUCTION IN RATES  
ON SUGAR BEETS, IN CARLOADS, TO WALLACEBURG

The facts are fully set out in the reasons for judgment of Commissioner Boyce, October 25, 1921, concurred in by Chief Commissioner Carvell, Board's Judgments, Vol. 11, No. 16, p. 289.

*Summary of Judgment.*—Prior to the year 1913, comparatively low rates were in force with a view to stimulating the sugar beet industry in the section of Ontario in question, with the object of increasing the production of sugar beets and, ultimately, the output of sugar.

In 1913, a general mileage scale for the sugar beet commodity was adopted by the railways in this territory, but owing to the attitude of the railways, specific rates were continued as to various points. Where there was no specific rate, the mileage scale of 1913 was applied.

On July 9, 1920, the Railway Association of Canada applied for a general increase in freight rates. An increase of 40 per cent (later reduced to 35 per cent), operative in eastern territory, to become effective September 13, 1920, was allowed. The railways concerned in this application participated in the general increase.

After the application for the general increase referred to had been launched, the railways concerned here published tariffs on sugar beets on a mileage scale. Filing dates were all subsequent to July 9, 1920, so that the tariffs complained of were filed while the application for a general increase in rates was under consideration by the Board.

The result of the abandonment by the railways of the existing schedule of rates and the adoption of the mileage scale was a very considerable increase in rates at points where the specific rates had theretofore existed. These increases became effective almost contemporaneously with the general increase allowed by the Board. This meant that the railways concerned, by the changes in their tariffs, obtained substantial increases on this commodity over and above the general increase awarded by the Board. On the general rate increase, the question of these tariffs was not raised or referred to. Had the Board been seized of the fact that at the time the general increase was under consideration, these increases had been made, by the tariffs referred to, in the rates on sugar beets, that fact would have been taken into account in connection with the increase to be allowed on the commodity in question.

A comparison covering the years 1916 to 1920, both inclusive, and showing the increase in the volume of the sugar beet business, given, as well as a statement indicating the value of the beet crop and the average freight paid thereon for the years 1917 to 1920.

View expressed that a 35 per cent increase over and above the rates existing before the mileage scale increase was made in 1920, would be fair to the railways, and as much as the traffic should be justly called upon to bear. No objection was taken to mileage rates, provided they were brought down to a 35 per cent increase, as contemplated by the Board in the general rate application.

Held, therefore, that the tariffs in question should be changed and reduced to a scale which would give a schedule of rates not exceeding a 35 per cent increase.

The direction was that order should go requiring the railways involved to make effective November 1, 1921, the new schedule of rates which would give effect to the decision of the Board.

## APPLICATION OF THE EXPRESS TRAFFIC ASSOCIATION OF CANADA FOR INCREASE IN TOLLS

The application was made on behalf of the American, the Canadian, the British American, the Central Canada, and the Dominion Express Companies. It



was alleged that the companies were operating at a loss, and that a flat increase in all existing express freight rates of 40 per cent was required to take care of the actual deficit, pay a small amount on the money actually invested, and leave something for reserve.

The application was heard at different points in the Dominion extending from coast to coast. The facts are set out fully in the judgment of Chief Commissioner Carvell, February 2, 1921, concurred in by Deputy Chief Commissioner Nantel. Board's Judgments, Vol. 10, No. 23, p. 504.

*Summary of Judgment.*—On September 1, 1919, express companies received a specific increase in their rates, amounting, they claim, to 22 per cent. In 1920, freight rates were increased 40 per cent east of Fort William and 35 per cent west thereof. The Dominion Express Company pays the Canadian Pacific Railway on the basis of one and one-half times the first-class freight rate for its goods of that class carried by the railway. This meant an increased amount the Dominion Express Company would have to pay the Canadian Pacific Railway. The Canadian Express Company pays the Grand Trunk Railway and other railways over which it operates 50 per cent of the gross earnings. The increased freight rate, therefore, in no way affected the balance sheet of that company. The Grand Trunk, however, was materially affected, as that company received no increase on the traffic which it carried for the express company.

Exhibits showing last year's business of the Dominion and the Canadian Express Company were filed, and are set out in the judgment. These showed deficits amounting, in the case of the Dominion Express Company, for the year 1920 of \$1,609,414, and the Canadian Express Company, for the year ending December 31, 1921, of \$177,249.

Exception was taken to the basis upon which the Dominion Express Company paid the Canadian Pacific Railway for carrying its traffic. The view was expressed that whatever the basis, it should be the same for all express companies doing business in Canada.

Claim was also made that any increases allowed should not be general, but should be applied to goods moving under the first-class and higher rates.

The question of cartage differential at non-cartage points considered. It was found that the results anticipated from the reduction provided for in the 1919 express rate judgment had not been produced. The cartage allowance under the former judgment therefore eliminated, and the conditions existing prior to September, 1919, restored.

Just and reasonable rates must be allowed by the Board. If, therefore, the sum of \$40,000 taken away from one company by the elimination of its cartage differential, the amount must be made up from the remainder of the traffic, and that it was fairer and more in the interests of the business as a whole that all users of express companies should pay the same rate, so that the Board could reduce the percentage of increases required to provide the necessary funds to enable express companies to carry on.

On account of the service afforded, express rates should be considerably higher than freight rates. Just what the proportion should be, not determined, but the view expressed it should be based upon a multiple of the standard first-class freight rate. Discrepancies in handling of certain commodities, fruit, for example, shown to exist. Express companies should so arrange their tariffs that all sections of the Dominion be treated as nearly alike as it is possible to do, considering the character of the business and the distance travelled. All alcoholic liquors advanced from second-class to first-class rates.

A flat increase of 30 per cent allowed.



SESSIONAL PAPER No. 20c

MARCONI WIRELESS TELEPHONE COMPANY v. THE WESTERN UNION AND  
THE GREAT NORTH WESTERN TELEGRAPH COMPANIES

The complaint was against increased rates proposed to be charged by the telegraph companies, and the refusal of the Western Union Company to accept all traffic at its Canadian offices routed for transmission to the United Kingdom via Marconi.

Objection was taken by the respondent companies that the Board was without jurisdiction to entertain the application.

The facts are set out at length in the judgment of Assistant Chief Commissioner McLean, December 28, 1920, concurred in by Chief Commissioner Carvell and Commissioner Rutherford, Board's Judgments, Vol. 10, No. 21, at p. 449.

*Judgment Summarized.*—The regulative power of the Board over railways is wider than that it may exercise over other types of utilities. Various sections of the Railway Act are specifically excepted in the case of the Board's jurisdiction as to telegraphs and telephones. The toll and tariff clauses, and including therefore the provisions for joint tariffs covering continuous routes, not excepted, and consequently applicable to telegraph and telephone companies within the legislative authority of the Parliament of Canada.

"Telegraph", under the interpretation clause of the Railway Act, is defined to include wireless telegraph. A distinction is drawn between the powers of the Board over joint arrangements between telephone systems, Dominion and provincial, and telegraph companies.

Transoceanic telegraph systems have no status under the Railway Act which enables them to invoke the joint tariff sections of the Act.

Section 376, under which the Board might entertain an application by the Wireless Company, does not, by express provision, come into force until a similar clause has been made by the proper authority of the United Kingdom, and upon proclamation by the Governor in Council. The section has not yet become operative.

Held, that until it does, transoceanic wireless telegraph systems are in the same position as cable companies, and cannot invoke the joint tariff sections of the Act.

COMPLAINT OF TORONTO BOARD OF TRADE AGAINST CARTAGE TARIFFS OF RAILWAY  
COMPANIES, EFFECTIVE SEPTEMBER 1, 1919

The facts are set out in the reasons for judgment of Assistant Chief Commissioner McLean, December 27, 1920, concurred in by Chief Commissioner Carvell.

*Summary of Judgment.*—The Board has held that the charge for cartage was one falling within the definition of "toll" as defined in the interpretation clause of the Railway Act, and that it was not a railway service or facility within the meaning of the Act as it existed prior to the revision in 1919.

Subclause (e), subsection 1, of section 312 of the 1919 Act is new, and reads as follows:—

"(e) furnish such other service incidental to transportation as is customary or usual in connection with the business of a railway company, as may be ordered by the Board".

The question arose whether the effect of this amendment was to include cartage as a service incidental to transportation usual in connection with the business of a railway company, so as to give the Board jurisdiction to order it as a facility to be continued. The reasons for the amendment and what it was designed to accomplish were very fully discussed in the judgment. The conclusion arrived at was that the clause was intended to apply to such privileges as milling in transit, stop-over for completion of loads, stop-over to dress lumber, and other arrangements of the same kind, that it was not intended to cover, and did not apply to, the cartage service, and the Board so held.



12 GEORGE V, A. 1922

## APPLICATION OF THE BRITISH COLUMBIA TELEPHONE CO. UNDER SECTION 375 OF THE RAILWAY ACT, 1919, FOR AN INCREASE IN EXCHANGE, RENTALS, AND CHARGES FOR SERVICE.

The facts are fully set out in the reasons for judgment of Chief Commissioner Carvell, dated July 23, 1921, concurred in by Commissioner Boyce. (Board's Judgments, Vol. 11, No. 10, p. 216).

*Summary of Judgment.*—The application involved an increase in rates amounting to about 15 per cent, except in the Kootenay District, as the rates in that district had been somewhat higher than in other exchanges, and also because it had no connection with the main system at the Coast and on Vancouver island. The only increase asked for the Kootenay District was for connection charges and placing new telephones and apparatus.

Very complete statements showing the value of plant in 1918 and additions since that date down to November 31, 1920. The value in 1918 was \$6,868,208, and in 1920 the value had increased to \$9,178,963. The correctness of these valuations not attacked. Admitted also that the service rendered was excellent.

Considerable argument took place over the outstanding stock of the company, especially as to the money actually paid for the ordinary shares. History of the formation of the company, its financial development, showing the stock originally issued in 1905 and later increased issue in 1911, and the application and disposition of the monies set out at length and considered.

In 1916 a federal charter was obtained, and regardless, therefore, of the method of book-keeping or the amount of reserve put back into the plant up to that time, the value of the plant was established by that Act, and from that date the rates have been under the control of the Board.

A statement filed at the time of the application showed a deficit of \$397,469.83. Additional capital required for new equipment, etc., estimated at three million dollars. From the evidence submitted, 6.04 per cent annually found a reasonable amount to put aside as a reserve for depreciation, 16 years being the period or "cycle" within which the applicant company's plant would have to be replaced.

The rate allowed to be such as to provide for (1) operation, (2) maintenance, (3) depreciation, (4) interest, and (5) dividends, and in addition an amount to place the company in a position to secure further capital for necessary extensions.

After a close and careful analysis of the company's condition, based upon its earnings and operating costs, established by the evidence, it was estimated that an increase of slightly over 9½ per cent on the class of business mentioned in the application would meet these requirements. Ten per cent therefore allowed. The company to make monthly statements, and if upon examination at the expiration of six months the increase was found in excess, it could and would be corrected.

## IN THE MATTER OF EXCHANGE ON PASSENGER CHARGES PAYABLE IN RESPECT OF INTERNATIONAL TRAFFIC BETWEEN CANADA AND THE UNITED STATES

The question of the exchange on passenger traffic was before the Board at the time it dealt with the surcharge on freight rates. Sufficient data to enable it to act was not before the Board at the time, and in accordance with its suggestion, a memorandum was filed on behalf of the Railway Association of Canada, setting forth the general conditions relating to international passenger travel and the effect on the revenues of railway companies by reason of the prevailing exchange situation.

A study of the passenger situation was made for the purpose of arriving at a scale of surcharges, to enable the Canadian carriers to make their settlement with United States connections in United States funds, and to prevent an undue advantage being taken in the exchange situation by persons purchasing in Canada tickets for use either wholly, or practically wholly, in the United States.



## SESSIONAL PAPER No. 20c

That there was a marked difference in the conditions applying to the carriage of freight as compared with passenger traffic, as there was no practical means of ensuring that a passenger ticket would be used only from the point at which it was purchased, or to destination point shown on it. Accordingly it was considered necessary to apply a surcharge equivalent to the full rate of exchange on tickets from Canadian border points to United States points; to make the surcharge equivalent to 75 per cent of the prevailing rate of exchange at points which would gain an undue advantage from a lower rate by reason of their proximity to the border; and to make the general basis of surcharge on all other tickets from Canadian to United States points equivalent to 50 per cent of the prevailing rate of exchange.

To carry out its suggestions, the association outlined a draft form of order. These suggestions considered at conferences between the Board and the railway companies' representatives. The Board was not satisfied that the suggested surcharges were required to place the companies in a position where they could accept prepayment through to destination for international traffic in Canadian funds, and yet be able to pay the American roads their share in American funds without loss.

Chief Commissioner Carvell, in his reasons for judgment dated March 5, 1921 (Board's Judgments, Vol. 10, No. 25, p. 555), which were concurred in by Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel, and Commissioner Rutherford, points out that any passenger has the right of purchasing a ticket to the international boundary in Canadian funds, and purchasing the remainder to destination in American funds, and vice versa. The difficulty is a great proportion of the trains cross the boundary during the night, and tickets would be purchased at the boundary, therefore, at considerable inconvenience to passengers, if indeed there was sufficient time to do so.

The continuance of the joint through ticket was, in his opinion, a great advantage to the travelling public, and should be maintained if at all possible; that when an abnormal condition, such as the present one, arose, it was the duty of the Board, if possible, to devise means, even if there was no precedent, by which the best possible conditions might be maintained. In his view no practical surcharge scheme could be worked out excepting to a great extent on the principle of averages as applied in the case of freight rates on international traffic.

Further conferences were therefore had, and in view of the attitude of the Board a new proposal submitted by the railway companies dividing the country into three zones, not including the stations immediately on the border as a zone for this purpose, the rate of surcharge from the different zones being based to a considerable extent upon the distance of the main centres from the international boundary.

Dealing with this memorandum setting forth the new proposal, the Chief Commissioner concludes his judgment as follows:—

“It will thus be seen that the general principles of the application are as follows:—

“From all Canadian points immediately upon the boundary line, such as Rock Island, Cornwall, Prescott, Windsor, Sarnia, Emerson, Kingsgate, etc., to points in the United States, the surcharge will be 100 per cent of the rate of exchange, or the full American rate, the reason being that practically the whole journey is to be performed in the United States and should be paid for in American currency.

“2. At the next group, such as Montreal, Sherbrooke, Hamilton, Chatham, and Vancouver, which are a short distance away from the border, the surcharge will be 75 per cent of the rate of exchange.

“3. At a group still further away from the border, such as St. John, N.B., Ottawa, Toronto, London, Winnipeg, and Weyburn, the surcharge will be 50 per cent of the rate of exchange.

“4. From all other points the surcharge will be 25 per cent of the rate of exchange.



“5. And, lastly, upon all tickets sold from any Canadian point to stations in the United States immediately at, or in some instances near, the border no sur-charge whatever is provided, because the traffic is practically all upon the Canadian roads.”

As we considered this a matter of considerable importance to a certain percentage of the Canadian public inasmuch as, if this scheme were adopted, an increase upon the fares payable would come into effect, we thought it wise to have a public hearing which, accordingly, was held at Ottawa on Tuesday, the 2nd day of March instant. All the important Boards of Trade west of and including Fort William and Port Arthur were notified by wire of the proposed hearing, as was also the Board of Trade of Halifax: others were notified by letter. At the hearing the Boards of Trade of Toronto and Montreal alone were represented in the person of Mr. Tilston, although we received a communication from the Board of Trade of Halifax stating that they considered the proposal reasonable, but requested that we should use our influence to have a premium allowed on tickets purchased in the United States for Canadian points. Mr. Tilston agreed with the proposal, provided that the surcharge does not produce more money than is necessary to recoup the Canadian roads for what they will have to pay the American connections, taking in consideration the return fares.

The railway companies presented their side of the case, and furnished considerable data as to the practical results of working out the new scheme on the basis of a rate of exchange of 15 per cent. They gave a table showing the result of tickets purchased from Halifax, St. John, Montreal, Toronto, Hamilton, Niagara Falls, Windsor, Winnipeg, Moosejaw, Calgary, and Vancouver to practically all important centres in the United States, and it showed a loss varying from a few cents to \$17, as in the case of a ticket from Toronto to San Francisco, in all cases excepting those of tickets from Niagara Falls and Windsor to American points, where the gain would be from 1 cent to 20 cents. This, of course, being because in this latter case the whole ticket must be purchased in American funds or its equivalent, and, as the Canadian road receives a very small amount for its share of the transaction, it necessarily would have a few cents profit upon it, but it is so small that it need not enter at all into the calculations.

They also filed statements showing the gross collections on international tickets with the proportion accruing to the United States lines, as follows:—

TICKET SALES TO UNITED STATES POINTS FOR YEAR 1919

| Name of Road  | Gross collections | To United States Lines | Per-centage |
|---------------|-------------------|------------------------|-------------|
| G.T.R.        | \$2,383,463       | \$1,635,186            | 68.61       |
| C.P.R.        | 5,546,000         | 3,875,000              | 69.87       |
| C.N.R.        | 1,355,210         | 708,404                | 52.00       |
| T.H. & B..... | 293,534           | 306,913                | 70.5        |
| C.V.R.        | 15,302            | 11,959                 | 78.00       |
| D.A.R.....    | 164,000           | 104,960                | 64.00       |
| Q.C.R.        | 100,000           | 60,000                 | 60.00       |
|               | \$9,857,509       | \$6,599,422            | 67.00       |



## SESSIONAL PAPER No. 20c

They were also able to show the Board a statement based upon tickets sold in January, April, August, and October, 1920, as follows:—

STATEMENT OF PASSENGER EARNINGS COVERING TICKETS SOLD IN CANADA TO UNITED STATES  
POINTS, BASED ON JANUARY, APRIL, AUGUST, AND OCTOBER, 1920

| Name of Road       | Total<br>Pass-<br>enger<br>Sales | Propor-<br>tion<br>accruing<br>to<br>Canadian<br>Lines | Per-<br>cent-<br>age | Propor-<br>tion<br>accruing<br>to<br>U.S.<br>Lines | Per<br>cent-<br>age |
|--------------------|----------------------------------|--|----------------------|--|---------------------|
| G.T.R.             | \$961,080                        | \$277,588  | 29.0                 | \$683,492  | 71.0                |
| C. Nor. Ry.....    | 116,905                          | 63,514   | 55.0                 | 53,391   | 45.0                |
| C.G.Rys.           | 300,734                          | 151,700  | 51.0                 | 149,034  | 49.0                |
| C.V.R.R.....       | 21,925                           | 4,343  | 20.0                 | 17,582   | 80.0                |
| M.C.R.R.....       | 218,520                          | 55,540   | 25.4                 | 162,980  | 74.6                |
| T.H. & B. Ry.....  | 56,431                           | 10,071   | 17.9                 | 46,360   | 82.1                |
| C.P.R.             | 2,631,960                        | 1,041,877  | 39.6                 | 1,590,083  | 60.4                |
| Rutland R.R....    | 25,113                           | 3,387  | 13.0                 | 21,725   | 87.0                |
| Nap. Jct. Ry.....  | 259,290                          | 36,579   | 14.0                 | 222,711  | 86.0                |
| Mc. Cent. R.R..... | 2,677                            | 949  | 35.5                 | 1,728  | 64.5                |
| Que. Cent. Ry.     | 47,123                           | 15,763   | 33.5                 | 31,360   | 66.5                |
| N.Y.C.R.R. ....    | 56,992                           | 17,343   | 30.0                 | 39,649   | 70.0                |

The first statement shows that the average amount of this business accruing to the United States lines for the seven roads named therein is 67 per cent. The second statement shows a slightly different result, but averages up about the same. Both these statements show that the short roads near the border, such as the Toronto, Hamilton and Buffalo Railway and the Central Vermont, Rutland and New York Central Railways are hard hit by present conditions, perhaps the most outstanding case being the Toronto, Hamilton and Buffalo, which is a short road near the border and necessarily would only receive a small percentage from the proceeds of international business.

If the business from Canada to the United States as evidenced by these returns were the whole of the transaction, then it is very evident that the surcharge which they are asking would in no way place the railway companies in a position to carry on this business without a loss; but it must always be remembered that the passenger who purchases a ticket in the United States for Canada does so in American funds, and in the settlement between the different roads, the Canadian road receives its portion of this business in American funds.

It is very patent that, if on the outward business the American road receives on an average 67 per cent of the receipts, then assuming that the same number of persons travel from the United States to Canada or the reverse way, the Canadian roads would only receive 33 per cent of this portion of the business, thus leaving a difference of 34 per cent against the Canadian roads. We have, however, no knowledge to-day from actual experience or figures as to whether the surcharge herein proposed will exactly take care of this 34 per cent.

A concrete example of the working out of this scheme might be of assistance in understanding exactly what it means. Assuming that a passenger purchases a ticket in Canada to a point in the United States the charge for which is \$10, and accepting the average division above given, the Canadian road would receive \$3.30 and the American \$6.70. Assuming the rate of exchange to be 12 per cent, the Canadian road would have to expend 80 cents in order to get the American portion to the American road, thus leaving it \$2.50 as its portion of the transaction. Then assuming that the same passenger returns to Canada, purchasing a ticket in the United States in



American funds. On this the American road would pay the Canadian road \$3.30, which, when converted into Canadian at the same rate of exchange, would give 40 cents additional, or a total of \$3.70. The sum total of these two transactions would give the Canadian road \$6.20 in Canadian funds, whereas it should have received \$6.60, and it accordingly has a loss of 40 cents. Under the scheme herein proposed, if the Canadian road were allowed to collect on an average 34 per cent of the rate of exchange, it would amount to a surcharge of 4 per cent, and 4 per cent on the total amount of money collected by the Canadian road, viz., \$10, would be 40 cents, which would exactly reimburse the Canadian road for the loss in the two transactions.

ILLUSTRATION OF ABOVE FARE PURCHASED IN CANADA TO UNITED STATES POINTS

|  |        |
|--|--------|
| Fare \$10. Canadian portion \$3.30; American portion.. . . . | \$6.70 |
| 12 per cent of American portion.. . . .                      | 0.80   |
| <hr/>  |        |
| Total amount paid United States Railway.. . . .              | \$7.50 |
| \$3.30—0.80=\$2.50 amount retained by Canadian Railway.      |        |

SAME FARE PURCHASED IN UNITED STATES FOR CANADIAN POINT

|   |        |
|---|--------|
|   | \$7.50 |
| Fare \$10 in American funds; Canadian portion, \$3.30; American portion.. . . .   | \$6.70 |
| 12 per cent on Canadian portion, exchange when forwarded in Canadian funds.. . . .  | 0.40   |
| <hr/>   |        |
| Amount received by Canadian railway.. . . .   | \$3.70 |
| \$2.50+\$3.70=\$6.20, amount received by Canadian railway both ways, or 40 cents less than Canadian railway should receive. |        |
| 34 per cent of rate of exchange as above=surcharge of 4 per cent.   |        |
| 4 per cent of \$10=\$0.40, or the exact loss as above.  |        |

It must also be remembered that passenger traffic is different from freight traffic in that the passenger can move about as he pleases and can if he chooses in the future as well as in the past purchase his ticket to the border in Canadian funds. Also, if a man at any point in Western Canada wishes to visit Boston or New York, or even Chicago, he can always purchase a ticket to Winnipeg, Toronto, or Montreal, or even to Buffalo, and like points on the International boundary, and check his baggage thereto in Canadian funds, and he will have plenty of time between trains to repurchase from that point to destination, paying the surcharge only on that portion of the journey.

As the Canadian railways are losing heavily on the traffic under present conditions, I consider it the duty of this Board to make such provision as in its judgment will place them in a position to carry on this business, receiving their fair proportion in Canadian funds, and placing them in a position to pay the American portion in American funds, and while perhaps the railway companies' proposal is not perfect, yet, in my opinion and from some personal knowledge of the conditions of traffic between the two countries, I think the scheme last proposed will about place the Canadian railways in the position which I have hereinbefore described as the one to be desired, and therefore, I think that their proposal should be adopted, the railway companies to have the privilege of filing tariffs as therein stated effective 15th instant, the telegraphic notification of the rate of exchange to be forwarded to each agent on the 14th and last days of the month, to be posted in a conspicuous place in every passenger station in Canada of the roads over which this Board has jurisdiction. The railway companies should instruct their agents to point out to purchasers of tickets to United States points the right which they now and will hereafter possess of purchasing a ticket to the border point in Canadian funds, if they so desire, and should also post in large letters in a conspicuous place in each passenger station a statement to that effect.



## SESSIONAL PAPER No. 20c

The railway companies should furnish this Board with monthly statements showing positively the total receipts for international passenger traffic from each zone, with the surcharge received thereon, the portion accruing to the Canadian lines and that accruing to the American lines, and should also show in the monthly statement the receipts from American roads for traffic from the United States to Canada, divided in the same manner, in order that the Board may satisfy itself as to whether or not any changes are necessary, and if the same be found necessary, then this Board should without delay so adjust the zones and surcharges, or both, as to bring about as nearly as possible the desired results as hereinbefore set forth.

## ASSISTANT CHIEF COMMISSIONER McLEAN:

In agreeing in the reasons for judgment of the Chief Commissioner I desire to emphasize that what the Board is sanctioning is not an increase in rates.

Under their tariffs and division sheets Canadian railways are legally entitled on international passenger traffic to certain sums in Canadian money. These they have not been receiving. Owing to the adverse rate of exchange Canadian railways have in settling with the American connections, to settle in American funds. In order to so settle it has been necessary for the Canadian railways to absorb the exchange on the American portion of the rate. This has been due to the fact that the rate has been collected in Canada in Canadian funds. The result of this has been that the exchange, so absorbed, has had to be deducted from the division accruing under the tariff to the Canadian railway. That is to say, its division in Canadian funds, to which it is legally entitled, has been correspondingly reduced.

What is involved in the application before the Board is an attempt—necessarily dealt with on an average basis—to ensure that the Canadian railway will receive the amount to which it is legally entitled. The adverse rate of exchange is a factor of cost which is not provided for in the rate. While it has hitherto been absorbed by the Canadian railways, the continuance of this condition does not appear either fair or reasonable. For if the through rate, and the division thereof, is reasonable, then the Canadian railway should receive its division without any deduction therefrom of exchange. This and nothing more is involved in the disposition recommended.

## JUDGMENT OF COMMISSIONER BOYCE (dissenting), March 9, 1921:

I am unable to reconcile the proposals of the railways with any jurisdiction possessed by this Board. The conditions in respect of which relief is sought, onerous though it may be contended they may be to the Canadian railways, are not, in my opinion, within the power of this Board to ameliorate or remedy. Those conditions are economic conditions, operating in common, upon every branch of Canadian commerce, and in the view I take this Board has no more power to relieve the railways from the effect of the depreciated Canadian dollar in relation to the American dollar than to attempt to adjust the adverse balance of trade against Canada which causes such depreciation. To attempt to relieve railways, at the expense of the people, from the results of this adverse trade balance in its relation to the Canadian currency is, in my opinion (expressed with deference to contrary opinion), to usurp, in favour of the railways, as against Canadian passenger traffic upon the railways, a special authority which, from its nature, is not in conformity with any of the functions of this Board.

To quote the language of the Assistant Chief Commissioner of the Board, in a judgment dealing with the question of prepayment of freight (Judgments of Board, 1920, at p. 119), where the same question of monetary exchange was directly in issue—

“The Board is a statutory tribunal and its powers are tied down to the scope of the matters falling within the Railway Act.”



Mr. Flintoft, counsel for the Railway Association, admits that what is proposed has nothing to do with the rate, or the carriage of the passenger, in the following language, at page 2875 of the record:—

“The tariff of the rates will remain exactly as it is to-day. This is really a collateral charge, not a charge for the carriage of passengers, and we simply desire to have a chance to enable us to pay the loss to the American connections.”

Further, at page 2873, Mr. Flintoft said, in presenting the railways' case to the Board:—

“It is unlawful to increase the joint rate.”

The Assistant Chief Commissioner in agreeing with the judgment of the Chief Commissioner, in the present case, says in his opening sentence:—

“I desire to emphasize that what the Board is sanctioning is not an increase in rates.”

Putting these quotations of the Assistant Chief Commissioner side by side with the statement of counsel for the railways at the hearing it is made quite clear that if what the Board is asked to sanction is not an increase in rates, there must be elsewhere in the Railway Act, than in sections limiting the scope of the Board's powers with respect to tolls and rates, some express authority to which the Board can “tie on” and which expressly confers upon us the power to make such an order as is now proposed, and which the majority of the Board has sanctioned, viz., an order that a “surcharge” based on the full rate of exchange (or 75 per cent, or 50 per cent, or 25 per cent thereof, according to specified localities or districts in Canada from whence the international traffic moves) “may be added to the total through fares and charges” (a) passage tickets; (b) sleeping car tickets; (c) parlour car tickets; (d) excess or other revenue baggage car traffic and special baggage cars; and (e) collections for transfer or special delivery of baggage in United States cities, “and collected in Canada, on all passenger and baggage car traffic to United States destinations, etc.”

I can find no such authority in the Railway Act, and the judgments of the majority of the Board, with which I do not find myself in agreement, do not refer to any section or sections of the Act, or other authority, by which it is expressed, or from which it may be implied, that power is vested in the Board, without increasing the rate, to authorize the railways to collect more Canadian money in Canada, for the same railway service, from persons purchasing through international tickets, than is specified and authorized in the present tariffs of such tolls, which it is admitted, it would be illegal to increase. That is just what is involved. The tolls sanctioned by this Board to be collected by Canadian railways, under the powers contained in the Railway Act, are payable in Canadian currency. This Board has no power to order that these tolls be paid in foreign currency, or in the equivalent in Canadian money. Tender of Canadian currency, in Canada, would be a good discharge of tolls lawfully chargeable by Canadian railways, whether for through or local traffic, so sanctioned, and is so accepted to-day. I confess to be unable to understand the paradoxical nature of the proposal. I fear that he who pays the additional Canadian money for that same service will be less appreciative of the logic suggested.

If there be no increase in tolls or rates, why is more Canadian money required to satisfy it? Is there, in the Railway Act, any section from which this Board can assume authority to provide and direct that if a tariff requires payment of one Canadian dollar for a railway service the railways may collect \$1.10—without increasing the rate—the extra 10 cents being authorized and collected not, it is said, as an increase in the rate, but under the name or disguise of a “surcharge”? No such authority, expressed or implied, is to be found in the Railway Act.



## SESSIONAL PAPER No. 20c

The reason for the contention that what is involved is "not an increase in rates" is not far to seek. The rates are international, and an increase in them of the precise nature and extent as that now decided upon under the guise of a "surcharge" would be beyond the jurisdiction of the Board. It is so admitted, in express and unequivocal terms, and is so decided in the following amongst other cases: C.N. Ry. v. G.T.R. and C.P.R., 10 C.R.C. 139; Elder-Dempster Steamships Co. v. G.T.R. and C.P.R., 10 C.R.C. 334; Davey v. Niagara, St. C. & T. Ry., 9 C.R.C. 493, 45 C.R.C. 277, 11 C.R.C. 109.

It would also have the effect, in particular cases, if not generally, of increasing the joint rate beyond the sum of the local rates, and the language of the present Assistant Chief Commissioner, in delivering the judgment of the Board *in re* Joint Freight and Passenger Rates, 10 C.R.C., at p. 349, is significant and of importance:—

"It is, in my opinion, sufficient to say that the charging of a joint rate in excess of the sum of the locals is *prima facie* an unreasonable and discriminatory practice, and that the onus of disproof should in individual complaints be on the railway or railways concerned."

No onus was assumed and no evidence given by any of the railways concerned under this head.

It is clear from the judgment above (p. 347) that the through passenger rates of at least one railway here concerned are constructed in a general way upon the sum of the locals. Therefore any "surcharge" (if it were a toll) would either (a) increase the sum of the locals, or (b) increase the foreign rate—that is, that the Canadian railways would under the proposed order be authorized to charge and collect ("or surcharge") more money in Canada, to satisfy and discharge those rates.

And again, at p. 344, of the same case, the Assistant Chief Commissioner says:—

"It is a fundamental proposition under the policy outlined by the Railway Act that when a rate, whether joint or whether limited to points situated on one line of railway alone, has come into force in conformity with the provisions of the Railway Act, it is the only legal rate in respect of the traffic mentioned and between the points mentioned. The policy is not limited to Canada alone. In 1906 the Interstate Commerce Commission, which has had to deal with the problem now before us, established the same position."

The present joint rates for international passenger traffic and services, conforming to the provisions of the Railway Act do constitute, respectively, "the only legal rate" in respect of that traffic and, in my opinion, cannot be increased (i.e., more money cannot be exacted to satisfy them in Canada) by a device of "surcharge" in avoidance and disregard of the fundamental principles attaching to them.

It is not difficult, therefore, to see why the proposals of the railways cannot be justified or supported as an application for a rate increase. It would be beyond the jurisdiction of the Board. To my mind the whole proposal is founded on a fiction of law. It ratifies, in my opinion, an evasion of the law, and involves a usurpation of authority repugnant to the letter and spirit of the law. It countenances an ingenious device or plan by which the Canadian railways are empowered under a disguise of "surcharge" to demand, collect, and receive more money for transportation and other railway services than is permitted by law. It countenances the doing indirectly, and by disguise, that which the law prohibits being done directly. It requires express statutory authority to justify it, and there is none.

The term "surcharge" was never explained. I do not know what in the circumstances to which it is here applied, it is capable of explanation. I can find no precedent for it in the records of this Board, except as regards freight rates, where it was introduced with the consent of the railways in the interest and for the benefit



of the public, to provide relief to the public from an intolerable burden placed upon it by the railways in refusing to accept prepayment of freight from Canada to the United States and compelling the shipper to pay the whole freight rate (Canadian and foreign) in American funds. That was an emergency measure, provided, perhaps unwisely, to meet and remedy a condition of things with which this Board found itself without jurisdiction to interfere (see Judgment of Board, 1920, p. 111). It was I felt, a dangerous precedent, which only its motive and effect could justify. There is no reason here for perpetuating or repeating it, or establishing it as a precedent. The application here is to impose an additional financial burden upon the Canadian traveller, as I think, unjustly and contrary to law. Conversely, in the case mentioned, it was, with consent of those affected by it, provided as a relief from a condition of things involving hardship and injustice against which the Board found itself without power to give redress. It can only be excused, or defended, but not justified, in that way.

"Surcharge" is not a term of the Railway Act. This Board is given no power to "surcharge" rates and I agree with the Assistant Chief Commissioner's dictum that "the Board is a statutory tribunal and its powers are tied down to the scope of the matters falling within the Railway Act." To "surcharge" rates, and not increase them, is a grotesque and specious anomaly.

The ordinary and literal meaning of the word "surcharge" is a "charge upon." And if it is a "charge upon" a rate, how can it be suggested that the rate upon which there is an additional charge is not increased. Where is the jurisdiction to authorize a "charge upon" any rate—particularly a joint rate.

The term "surcharge" is interpreted—

(a) "A pecuniary charge in excess of the usual or just amount; an additional or excessive pecuniary charge." (*Vide* The Oxford Dictionary.)

(b) "A charge or load above another (the authorized toll); excessive load or burden; a load greater than can well be borne." (*Vide* The Century Dictionary.)

(c) "To give too great a charge; to overload or overburden. A burden greater than the ordinary one, or greater than can well be borne; an excessive burden, load or charge." (*Vide* Funk & Wagnall's Dictionary.)

The term itself is contradictory of a legal charge. I repeat that, in my opinion, there is no power in this Board to impose it, and no evidence or circumstance to justify it. It violates in its meaning and effect, every canon and principle of rate making. To authorize it in this case, in the name of law, would, in my opinion, set at nought, the spirit and letter of the Railway Act, and tend to weaken or destroy the judicial functions committed to the Board by that Act.

The question as to the effect on railway freight rates of economic conditions in relation to depreciation of Canadian money in exchange for that of the United States was discussed by this Board in its judgment upon the application *re* prepayment of freight. Judgments, etc., of the Board (1920), pp. 111 *et seq.* The Chief Commissioner in his judgment at page 118 said:—

"It is the railway company's business to transport these goods to destination at the rates which have been provided by law for the service, and therefore, if from the exigencies of exchange any money is to be made or lost upon the transportation of these goods, so long as the shipper is not asked to pay a greater rate than that provided by law, this gain or loss belongs to the railway company and not the shipper."

And in the same case, at page 119, the Assistant Chief Commissioner says:—

"The fact that it is the exchange situation, which by its effect on international freight movements has created, and complicated, the existing state of facts is merely illustrative, and does not go to the root of the principle involved. The fact that the present state of facts may have resulted in adventi-



## SESSIONAL PAPER No. 20c

tious gain to one of the parties to the contract of carriage and adventitious loss to the other neither broadens nor modifies the principle. The discussion of the relative equities of the parties to the contract of carriage from the standpoint of participation in the gain on particular shipments, arising from the international exchange situation as affecting freight rates on International traffic, while illustrative of the effects of the state of facts concerned neither modifies nor broadens the principle. The principle is independent of the particular circumstances."

The remarks quoted are, I think, pertinent. The principle (not to be lost sight of) is that to be found in those sections of the Railway Act with respect to tolls and rates (admitted by counsel, as to these rates), which this Board cannot ignore and should not depart from. "the adventitious gain to one of the parties to the contract of carriage and adventitious loss to the other neither broadens nor modifies the principle." The adjustment of the monetary system between Canada and a foreign country is not one of the powers conferred upon the Board. To try to interfere with it would be to venture upon the experiment of meddling with national economics. I suggest that the Board has responsibilities in the administration of the Railway Act, heavy enough to engage its activities without venturing beyond the Act circumscribing its powers into the labyrinth of economic conditions, in the hopeless effort to adjust them equitably in the interests of all concerned.

Grotesque and unjust as these proposals are in themselves, they also involve discriminatory features, impossible to reconcile with the provisions of the Act which prohibit discriminatory treatment and require equality in rates. The Assistant Chief Commissioner, in his judgment says:—

"What is involved in the application before the Board is an attempt—necessarily dealt with on an average basis—to ensure that the Canadian railway will receive the amount to which it is legally entitled."

The amount to which the Canadian railway is legally entitled is the amount shown in dollars and cents in Canadian money in the joint or through tariffs of rates. If by reason of an adverse trade condition, the Canadian dollar is at a discount in the United States, so that when the Canadian railway sells a through ticket and remits the American railway the tolls collected by the Canadian railway for that portion of the through ticket which pertains to the American railway, the remittance is subject to the prevailing rate of exchange in force on the day of remittance, there is involved in the language of the Assistant Chief Commissioner, "an adventitious loss" to the Canadian railway, not on the toll or rate, but on a remittance by one railway to the other, just as there would accrue to the Canadian railway an adventitious gain by remittance to it in United States currency for the Canadian part of a through ticket sold in the United States. But the rate, as a rate, is not affected by the gain or loss involved. By economic conditions, affecting exchange of currency between Canada and the United States, foreign to railway rates, the Canadian railway receives on its remittances from the United States railways for Canadian portion of tickets there sold, more money than the joint rates authorize it to collect for the travel in Canada. But it is not "surcharged" upon the toll; the traveller does not pay it. It is no part of the rate. It is "an adventitious gain" foreign to the contract of carriage and incident only to the remittance from one railway to the other. The principles governing rates are the subject of statute and cannot without express authority of law be changed to meet or provide for any gain or loss in monetary exchange. The Assistant Chief Commissioner says:—

"The adverse rate of exchange is a factor of cost, which is not provided for in the rate."



If that be so, is there any authority for the proposition that a factor of cost, not provided for in the rate, can be provided for by this Board, by "surcharge" or otherwise than by an increase of the rate under the Railway Act? If it be a "factor of cost" it belongs to the rate, and should be included in the rate, definitely and exactly, according to the cost involved, in common with and in proportion to all the other factors entering into and making up the rate. If it be a "factor of cost" it could, and would, be capable of distribution in the rate, without involving discrimination or inequality, and the rate containing that factor would be built upon the principles of rate-making. But it is because it consists of adventitious, and fluctuating, gain or loss, not connected with the cost of transportation, but as an incident of a joint rate agreement between railways concerned, and so variable and unascertainable as to be incapable of being definitely ascertained as a "factor of cost," that it is impossible to include it in the rate without violating rate-making principles and, therefore, it is "adventitious gain or loss" incident to the joint rate wholly apart from the principle involved. It is a domestic affair—a matter of account adjustment between the railways upon the joint rate with which this Board has no right to interfere, for the same reasons that the Board held, in the case cited, that it had no power to interfere in the case of the enforcement by the Canadian railways of their regulation refusing to accept prepayment of freight—a measure which brought to the Canadian railways much adventitious gain by compelling payment of all shipments from Canada to the United States in American funds for the whole of the haul—Canadian and American. That was a measure adopted by the railways without any application to or authority of the Board, as regards through international freight traffic to protect themselves against the same adventitious loss which they now allege, but do not prove, they suffer in the adjustment of their passenger rates with American railways under their joint rate agreement. Yet, when application was made by shippers to cancel it, the Board held it had no jurisdiction to interfere. Because these are passenger rates, making it impracticable to refuse prepayment of the tolls, I see no reason why an attempt should be made to create a jurisdiction with respect to the latter when it is negatived as to the former. Supposing that when the remittance was made by the Canadian railway to the American railway, the Canadian dollar was at a premium, could the railways be called upon, by virtue of any power, under the Railway Act, to reduce their fares?

Another feature presented is that the "surcharge" is to be levied and exacted upon all international through traffic, moving from Canada to the United States, irrespective of whether the travel in Canada be long or short. This is what is termed an "average basis." I put an example of this to Mr. Flintoft at the hearing, p. 2865, instancing a characteristic journey from, say, Montreal, over the "Soo Line" to a point ten miles over the American border in Michigan.

"Commissioner BOYCE: It is so that if a man travels 10 miles beyond that border (the American border) he would be surcharged for his whole 600-mile trip in Canada, at 25 per cent rate of foreign exchange?"

"Mr. FLINTOFT: Yes, sir. That is the way the tariff will read."

This would work out as follows: The railway would be authorized to exact from the traveller, on the fare for the whole journey of 610 miles, a percentage of the current rate of exchange, while only 10 miles of the journey would be in American territory, and the Canadian railway would pay exchange on remittance to the American railway of the fare for only that 10 miles, retaining, by authority of the Board, as "adventitious gain," the "surcharge" collected from the traveller on the 600 miles of Canadian travel. On the return journey, over the same route, on a ticket purchased in the United States, the American railway would collect the whole fare for 610 miles, in American money, retain the fare for the 10 miles of American travel, and remit the Canadian railway, in American funds, for the 600 mile journey in



## SESSIONAL PAPER No. 20c

Canada, thus making an 'adventitious gain' to the Canadian railway, of the exchange on 1,200 miles of Canadian travel, and paying exchange on but 10 miles of American travel.

The same examples can be extended, in the same way, to much larger journeys, e.g., Vancouver to any point in Michigan—say 10 miles from Detroit. Under the proposed "surcharge" plan the Canadian railway would be authorized, by this Board (if it could sell the ticket which it is authorized to sell) to levy on an unsuspecting and innocent traveller a surcharge for say 2,930 miles, and pay exchange on only 10 miles of American travel. And the same proportionate results would follow, if a ticket were purchased in the reverse direction. The Canadian railway would thereby make "an adventitious gain" in exchange on 5,840 miles of Canadian travel. This palpable injustice and discrimination it is sought to justify because in another case—where the distance travelled on the foreign railway was greater, the Canadian railway would suffer the "adventitious loss," and the gain in the one case might (or might not) balance the loss in the other. It would involve a solemn sanction by this Board of the practice of "robbing Peter to pay Paul." But, if a toll, it would be a flagrant violation of section 314 of the Act. If not a toll, it would be a discriminatory practice, and a departure from the tolls prescribed by the tariff, expressly forbidden by the Railway Act, and declared by section 430 to be a penal offence against that Act.

A similar result follows from the segregation of the country into districts—localities or areas—for the purpose of the imposition of the "surcharge," of varying percentage, according to the area, or zone prescribed, and shown on the plan filed at the hearing, also involving instances of violations of the discriminatory sections of the Act.

The provision that the purchaser shall have preserved to him the privilege of paying the local rates to border points is of no importance. He has, and always has had, that option. The mischief I apprehend is that a measure contrary to law is to be sanctioned, which purports to authorize the Canadian railways to "load" or "surcharge" tolls, for a purpose which is beyond the powers of the Board to deal with.

No evidence was submitted by the railways to support the proposal, beyond statements of traffic, from which it was argued that there appeared to be a loss on exchange. If the proposals were such as the Board ought to consider at all, they could only be supported by financial statements, which the railways I should think could easily have submitted (because the present exchange conditions have existed for a year or more), in support of their contentions as to the loss on exchange, showing the actual state of their accounts with American railways on the exchange situation, and showing clearly the adverse balance, if there was one, in respect of which they claimed relief. In the total absence of any such direct evidence, which it was only reasonable should be furnished, the whole proposal seems chimerical, based on estimates and illusions and involves the graver feature that it lacks the authority of law.

In my opinion, any remedy there may be against the effect of the economic conditions involved in the international exchange situation, common as they are to railways and every branch of international commerce, is for the railways to work out. They have it in their power, if there is (as to which we have no clear evidence) a heavier burden created than they feel they should bear, to adjust the burden without saddling it upon a long-suffering and already over-burdened public, which has had scant opportunity of opposing it. They can relieve themselves from any loss by compelling the traveller from Canada to pay his fare to the boundary. He now, and has always had, that option. That would involve the abandonment of the joint rates. If the retention of these rates is more profitable to the railways than



the possible "adventitious loss" involved by them, they will retain them. It evidently is or they would not have retained them during the long time these apparently unfavourable economic conditions have existed.

I observe that as the contemplated scheme is, as the Assistant Chief Commissioner says, necessarily worked out on a basis of averages, and that the Chief Commissioner, in his judgment, points out that an average of 34 per cent of the rate of exchange (or a 4 per cent "surcharge") would exactly reimburse the Canadian railways for the losses he estimates, the average percentage to be exacted if there be an equality, or near it, of travel, from points carrying the 75 per cent, 50 per cent and 25 per cent "surcharge" (I disregard the 100 per cent, as it is said, though there is no evidence of it, that the travel to which it applies would be a negative factor) would be 50 per cent of the rate of exchange—another, perhaps unimportant and indefinite feature of the unsoundness and unfairness of this chimerical proposal.

I would find, upon what is submitted, that there is not sufficient evidence in support of the application. I am of opinion that there is in law no authority or jurisdiction in the Board to entertain it, and it should be dismissed.

### APPEALS FROM DECISIONS OF THE BOARD

For the year ending December 31, 1921, there were three appeals made to the Governor in Council, and no appeals to the Supreme Court of Canada, from the decisions of the Board.

With reference to the appeals to the Governor in Council, the first was an appeal of the city of Toronto against the Board's General Order No. 308, dated September 9, 1920, authorizing a general increase in freight rates effective September 1920, and the matter was referred back to the Board for reconsideration.

The second appeal was made by the city of Toronto against the judgment of the Board dated April 30, 1921, providing for certain increases in the rates of the Bell Telephone Company, but this appeal has not been prosecuted.

The third was an appeal by the Canadian Northern Quebec Railway from order of the Board No. 31312, dated July 26, 1920, relative to the crossing of the Pointe aux Trembles Terminal Railway at Pointe aux Trembles, Que. This appeal is still pending.

### ORDERS, GENERAL ORDERS AND CIRCULARS

The total number of orders issued for the year ending December 31, 1921, was 1,454. The number of general circulars issued by the Board, directed to all railway companies subject to its jurisdiction, was five. The general orders as distinguished from other orders of the Board are those affecting all railway companies subject to its jurisdiction, and are twenty-six in number for the year.

A list of the general orders and circulars for the year ending December 31, 1921, will be found compiled under Appendix "G" to this report.

### APPLICATIONS TO THE BOARD

The total number of applications, including informal complaints made to the Board, for the year ending December 31, 1921, was 3,455.



SESSIONAL PAPER No. 20c

## TRAFFIC DEPARTMENT OF THE BOARD

In the Traffic Department of the Board the number of tariffs received and filed for the year ending December 31, 1921, was as follows:—

|   |        |
|---|--------|
| Freight tariffs, including supplements.. . . .                  | 56,279 |
| Passenger tariffs, including supplements.. . . .                | 19,829 |
| Express tariffs, including supplements.. . . .                  | 9,947  |
| Telephone tariffs, including supplements.. . . .                | 6,480  |
| Sleeping and parlour car tariffs, including supplements.. . . . | 464    |
| Telegraph tariffs and supplements.. . . .                       | 21     |
|   | <hr/>  |
|   | 93,020 |

The total number of tariffs filed from February 1, 1904, to December 31, 1921, was 1,037,767.

The details of the tariffs will be found under Appendix "B" to this report.

## ENGINEERING DEPARTMENT OF THE BOARD

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending December 31, 1921, number 350, and cover inspections for the opening of a railway for the carriage of traffic, inspections of culverts, highway crossings, cattle guards road crossings, bridges, subways, and general inspections falling within the scope of the work of the Engineering Department.

Under Appendix "C" will be found a detailed report of the Chief Engineer.

## OPERATING DEPARTMENT OF THE BOARD

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the locations of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under appendix "D" will be found a full and detailed report of the Chief Operating Officer of the department.

## ACCIDENTS AND ACCIDENT INVESTIGATIONS

On reference to the report of the Board's Chief Operating Officer, it will be seen that accidents to the number of 1,821, covering 243 persons killed and 1,928 persons injured, were reported to the Board during the year ending December, 1921, as compared with 2,093 accidents reported for the year 1920, covering 254 persons killed and 2,330 persons injured.

It is gratifying to note that the year 1921 produced a total decrease of 11 in the number of persons killed, as compared with the year 1920, and a total decrease of 402 in the number of persons injured.

The figures given show:—

(1) Seventeen passengers killed for the year ending December, 1920, and 4 passengers killed for the year ending December, 1921, a decrease of 13; and the number of passengers injured was 379 in 1920, as compared with 240 in 1921, a decrease of 139.

(2) The number of employees killed was 80 in 1920 and 91 in 1921, an increase of 11, and the number of employees injured was 1,570 in 1920, as compared with 1,344 in 1921, a decrease of 226.



(3) The number of others killed was 157 in the year 1920 and 148 in the year 1921, a decrease of 9, and the number of others injured was 381 in 1920, as compared with 344 in 1921, a decrease of 37.

It is pointed out that out of 148 others killed, 64, or 43 per cent, were trespassers, and that out of 344 others injured, 91, or 26 per cent, were trespassers.

The following is a table giving the comparison between the total number of passengers carried by the railway companies, and the number of passengers killed and injured, and the same information as to employees. Figures giving the total number of passengers carried and employees are for the year ending 1920, the last figures available, and are taken from the Railway Statistics published by the Transportation Branch of the Dominion Bureau of Statistics:—

|  |            |
|--|------------|
| <i>Passengers—</i>                               |            |
| Number of passengers carried on railways.. . . . | 51,318,422 |
| Number of passengers killed.. . . .              | 4          |
| Number of passengers injured.. . . .             | 240        |
| <i>Employees—</i>                                |            |
| Number of employees with railways.. . . .        | 185,177    |
| Number of employees killed.. . . .               | 91         |
| Number of employees injured.. . . .              | 1,344      |
| <i>Trespassers—</i>                              |            |
| Number of trespassers killed.. . . .             | 64         |
| Number of trespassers injured.. . . .            | 91         |

It will be noted that of what may be termed preventable loss, there were 64 killed under the heading “Trespassers” and 91 injured. This is a reduction of 9 in the number of killed and 29 in the number injured from the year ending December, 1920.

The following table shows the total by provinces as regards trespassers killed and injured for the year ending December, 1921:—

| Province                 | Killed | Injured |
|--------------------------|--------|---------|
| Nova Scotia.. . . .      | 1      | 1       |
| New Brunswick.. . . .    | ..     | 1       |
| Quebec.. . . .           | 8      | 12      |
| Ontario.. . . .          | 30     | 42      |
| Manitoba.. . . .         | 5      | 8       |
| Saskatchewan.. . . .     | 9      | 6       |
| Alberta.. . . .          | 7      | 14      |
| British Columbia.. . . . | 4      | 7       |
| Total.. . . .            | 64     | 91      |

Attention is again directed to the statement setting out in detail the situation as regards highway crossing accidents during the past five years. It will be observed therefrom that there has been a total of 777 accidents, covering 294 persons killed and 905 injured.

- Crossings protected by gates accounted for 24 killed and 71 injured.
- Crossings protected by bell accounted for 43 killed and 95 injured.
- Crossings protected by watchman accounted for 10 killed and 37 injured.
- Crossings unprotected accounted for 217 killed and 702 injured.

There have been 191 accidents at protected crossings covering 77 persons killed and 203 persons injured, and at unprotected crossings there have been 586 accidents covering 217 persons killed and 702 persons injured.

During the year ending December, 1921, there were 189 accidents at highway crossings covering 70 persons killed and 214 persons injured, as compared with 191 accidents in 1920 covering 68 persons killed and 215 persons injured.

Automobile accidents totalled 114, divided as follows:—

|  |    |
|--|----|
| At crossings protected by gates.. . . .    | 3  |
| At crossings protected by watchman.. . . . | 4  |
| At crossings protected by bell.. . . .     | 15 |
| At crossings unprotected.. . . .           | 92 |



## SESSIONAL PAPER No. 20c

Horse and rig accidents numbered 41, made up as follows:—

|                     |    |
|---------------------|----|
| Gates.. . . .       | 2  |
| Watchman.. . . .    | 1  |
| Bell.. . . .        | 6  |
| Unprotected.. . . . | 32 |

Pedestrian accidents numbered 34, as follows:—

|                     |     |
|---------------------|-----|
| Gates.. . . .       | 10  |
| Watchman.. . . .    | nil |
| Bell.. . . .        | 4   |
| Unprotected.. . . . | 20  |

It will be observed from the above that 45 out of a total of 189 accidents occurred at protected crossings, leaving unprotected crossings to account for 144 accidents.

Full particulars of passengers and employees killed and injured, and other general information in regard to trespassers killed and injured, accidents at protected and unprotected crossings, etc., will be found under appendix "D".

## FIRE INSPECTION DEPARTMENT OF THE BOARD

The railway fire inspection work has been carried on, as in former years, in co-operation with the various Dominion and provincial forest-protective organizations, selected officers of such organizations being designated to act locally for the Board in the capacity of fire inspectors.

Requirements relative to the maintenance of fire patrols and the reporting and extinguishing of fires have, on the whole, been carefully observed by the railways, with excellent results. In this connection, reliance is being placed upon the section forces and other regular employees, to an increasing extent, as distinguished from the handling of such work by a special force organized for the purpose.

During the year 10,270 miles of fire-guards have been constructed or maintained by railways in the Prairie Provinces, in accordance with the requirements issued by the Chief Fire Inspector. This constitutes a very good showing.

A total of 1,505 fires from all causes were reported as originating within 300 feet of railway lines in forest sections, subject to the Board's jurisdiction throughout Canada. This is a decrease of 159 fires over the figures for the preceding year. Of these fires, 641 were incipient and did no damage. Seventy-seven per cent are definitely attributed to railways, seven per cent to known causes other than railways, and sixteen per cent to unknown causes. A total area of 101,616 acres was burned over. Seventy-three per cent of this area was burned over by fires definitely attributed to railways, eighteen per cent by fires due to known causes other than railways, and nine per cent to fires of unknown origin.

The total damage by all these fires is estimated at \$162,615; of this, the railways are charged with thirty-nine per cent, while forty-three per cent is charged to known causes other than railways, and eighteen per cent to unknown causes. The aggregate monetary damage due to these fires is \$136,229 less than in 1920.

Under appendix "E" will be found a full report of the Chief Fire Inspector, together with summaries of fire reports, inspection of locomotives and fire-guard construction.

## ROUTINE WORK OF THE BOARD

## RECORD DEPARTMENT

Below is given a table setting forth the number of applications, filings and letters received during the year ending December 31, 1921, together with the number of orders issued:—

|  |        |
|--|--------|
| Number of applications made.. . . .                | 3,454  |
| Number of filings received during the year.. . . . | 34,262 |
| Number of outgoing letters during the year.. . . . | 27,534 |
| Number of orders issued during the year.. . . .    | 1,454  |



## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

## RECORD ROOM

STATEMENT showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1921

| Sections of Railway Act                            | Jan. | Feb. | Mar. | April | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Totals |
|--|------|------|------|-------|-----|------|------|------|-------|------|------|------|--------|
| Rescinding of orders, sec. 34..                    | 5    | 5    | 5    | 4     | 11  | 16   | 5    | 45   | 22    | 4    | 5    | 9    | 137    |
| Rules and regulations, sec. 34, 281, 287, 290, 296 |      | 1    |      |       |     |      |      |      |       |      |      |      | 1      |
| Extension of time, sec. 41.....                    | 1    | 4    | 4    | 4     | 6   | 12   | 13   | 7    | 5     | 4    | 5    | 3    | 68     |
| Location of line, sec. 167-177                     | 2    | 2    | 2    | 1     | 2   | 1    | 2    |      |       | 1    |      | 1    | 14     |
| Route map, sec. 167.....                           | 1    |      |      |       |     |      |      |      |       |      |      |      | 1      |
| Correction of plans, sec. 174..                    |      |      |      | 1     |     |      |      |      |       |      |      |      | 1      |
| Railway as constructed, sec. 175                   |      | 3    | 3    | 3     | 1   |      | 2    | 2    | 2     | 1    |      | 1    | 18     |
| Expropriation of lands, sec. 189-192               |      | 2    | 1    |       |     |      | 1    |      |       |      |      |      | 4      |
| Appeals against Board's decisions                  |      |      |      |       |     | 2    |      | 1    |       |      |      |      | 3      |
| Branch Lines of railway, sec. 180-187.....         | 20   | 23   | 15   | 16    | 16  | 18   | 10   | 25   | 27    | 16   | 18   | 22   | 226    |
| Railway crossings and Jcts. sec. 252-254.....      | 4    | 4    |      |       | 2   |      | 16   | 4    | 1     | 11   | 35   | 1    | 78     |
| Interlocking appliances, sec. 252                  |      | 2    | 1    | 5     | 1   | 3    | 10   | 2    | 3     | 2    | 2    | 1    | 32     |
| Highway crossings, sec. 255-257                    | 16   | 17   | 27   | 16    | 12  | 14   | 14   | 20   | 23    | 12   | 40   | 8    | 219    |
| Highway diversion, sec. 256.                       | 6    | 2    | 6    | 5     | 2   | 5    | 6    | 2    | 4     | 1    | 3    |      | 42     |
| Protection at crossings, sec. 257-267              | 12   | 7    | 7    | 4     | 13  | 17   | 15   | 14   | 10    | 8    | 12   | 12   | 131    |
| Telegraph and telephone lines, sec. 367.....       |      |      |      |       |     |      |      |      | 1     |      |      |      | 1      |
| Telgraph and telephone connections, sec. 371.....  |      | 1    |      |       |     |      | 2    | 1    |       | 1    |      | 1    | 6      |
| Telegraph wire crossings, sec. 372.....            |      |      |      |       |     | 1    |      |      | 1     |      |      |      | 2      |
| Power wire crossings, sec. 372                     |      | 2    |      | 1     |     | 2    |      |      |       | 1    |      | 2    | 8      |
| Telephone agreement, sec. 375                      | 18   | 4    | 12   | 6     | 11  | 9    | 10   | 2    | 11    | 5    | 10   | 4    | 102    |
| Canals, ditches, etc., sec. 268-271.....           |      |      |      |       |     |      |      |      |       |      | 1    |      | 1      |
| Water pipes, sec. 269.....                         |      |      | 1    | 1     |     |      |      |      | 1     | 2    |      |      | 5      |
| Sewers, sec. 269.....                              |      |      |      |       | 1   |      | 1    | 4    | 1     |      |      |      | 7      |
| Culverts, sec. 269.....                            | 1    | 3    | 1    | 5     |     | 2    |      |      | 2     | 1    |      |      | 15     |
| Farm crossings, sec. 272-273...                    | 1    | 4    | 1    | 2     | 2   | 1    | 3    | 1    | 1     |      | 2    | 1    | 19     |
| Protection at farm crossings, sec. 275.....        |      |      |      |       |     | 1    |      |      |       |      |      | 1    | 2      |
| Cattleguards, sec. 274.....                        |      |      | 3    |       |     |      | 2    | 3    | 1     |      | 1    |      | 10     |
| Fencing right of way, sec. 274...                  | 1    |      |      | 1     | 1   | 2    | 7    | 1    | 1     | 3    | 3    | 9    | 31     |
| Bridges, sec. 249-251.....                         | 8    | 11   | 14   | 5     | 14  | 4    | 8    | 13   | 8     | 2    | 7    | 3    | 97     |
| Stations, sec. 188.....                            | 27   | 5    | 18   | 14    | 6   | 2    | 2    | 3    | 7     | 1    | 3    |      | 88     |
| Conditions of stations, sec. 188.                  |      | 1    |      |       | 1   |      |      |      |       |      |      |      | 2      |
| Station accommodation and agents.....              | 10   | 12   | 28   | 12    | 9   | 11   | 4    | 10   | 7     | 6    | 3    | 7    | 119    |
| Opening of railway, sec. 276-277.                  | 1    | 2    | 2    | 2     | 1   |      | 1    | 1    | 4     | 1    | 5    | 6    | 26     |
| Condition of railway, sec. 283...                  | 4    | 2    | 6    | 1     | 1   | 2    | 6    | 1    | 3     | 9    | 3    | 3    | 41     |
| Rolling stock, sec. 298-301.....                   | 1    | 2    | 9    | 7     | 12  | 19   | 6    | 4    | 6     |      | 3    | 2    | 71     |
| Train service                                      | 3    | 2    | 4    | 5     | 4   | 1    | 1    | 1    | 3     | 4    | 2    |      | 30     |
| Working of trains, sec. 287.....                   | 5    | 1    | 4    | 1     | 3   | 2    | 9    | 0    | 1     | 4    | 10   | 1    | 41     |
| Obstruction to traffic, sec. 311                   |      |      | 1    |       |     |      |      |      |       |      | 1    |      | 2      |
| Accommodation for traffic, sec. 312.....           | 3    | 4    | 7    | 3     | 6   | 2    | 2    | 2    | 3     | 5    | 2    | 1    | 40     |
| Accident reports, sec. 285-286.                    | 62   | 38   | 40   | 25    | 36  | 42   | 40   | 38   | 48    | 44   | 40   | 25   | 478    |
| Fires from locomotives, sec. 280-281-287-387.....  |      |      |      | 1     | 9   | 3    | 11   |      |       |      |      |      | 24     |
| By-laws re tolls, sec. 323                         |      |      |      | 2     | 1   |      | 1    | 1    |       | 2    |      |      | 7      |
| Inter-switching, sec. 316-337                      |      |      |      |       |     | 1    | 1    |      |       |      | 1    | 3    | 6      |
| Freight classification, sec. 322                   |      |      | 1    | 3     | 1   | 2    | 3    |      |       |      | 3    | 2    | 15     |
| Disallowance of tariffs, sec. 325                  |      |      |      |       | 1   |      |      | 1    | 1     | 1    |      | 1    | 5      |
| Standard freight tariffs, sec. 330                 |      |      | 1    |       |     |      |      | 1    |       |      |      | 2    | 4      |
| Standard passenger tariffs, sec. 331.....          | 2    |      |      |       |     | 1    |      |      |       | 2    |      |      | 5      |
| Local passenger tariffs                            |      | 1    | 1    |       |     |      |      |      |       |      |      |      | 2      |
| Adjustment in rates                                | 4    | 6    | 1    | 1     | 4   | 8    | 4    | 9    | 7     | 8    | 8    | 4    | 64     |
| Special freight tariffs, sec. 331..                | 1    |      | 2    |       | 1   | 2    | 2    | 1    | 2     |      | 1    |      | 12     |
| Special passenger tariffs, sec. 335                |      | 1    | 1    |       |     |      |      | 1    |       |      | 1    |      | 4      |
| Provisions for carriage, sec. 344-348..            |      |      |      | 1     | 1   | 2    |      |      |       |      |      |      | 4      |
| Express tolls, sec. 360-366                        |      | 1    | 1    | 2     |     | 2    |      | 2    |       |      | 2    |      | 10     |
| Carriage by express, sec. 364...                   | 2    | 1    | 1    | 4     |     | 3    | 4    |      | 1     |      |      |      | 16     |
| Telephone Tolls, sec. 375.....                     | 2    |      | 1    |       | 2   |      |      | 1    |       | 2    | 1    |      | 9      |
| Amalgamation agreements, sec. 151-153.             |      |      |      |       | 2   | 1    |      |      |       | 1    |      |      | 4      |
| Traffic agreements, sec. 154                       |      | 1    | 2    | 2     |     |      |      |      |       |      |      |      | 5      |
| Statistics and returns, sec. 379-384               |      |      |      | 1     |     |      |      |      |       |      |      |      | 1      |
| Inquiries  | 13   | 9    | 5    | 7     | 5   | 11   | 12   | 12   | 6     | 6    | 9    | 6    | 101    |
| Complaints   | 66   | 71   | 61   | 66    | 65  | 56   | 49   | 68   | 54    | 49   | 50   | 48   | 703    |
| Miscellaneous                                      | 10   | 23   | 22   | 18    | 20  | 26   | 25   | 12   | 19    | 5    | 17   | 15   | 212    |
| Deviation of line, sec. 178                        |      | 4    | 8    | 1     |     | 1    | 2    |      | 3     | 1    | 3    |      | 23     |
| Total-   | 313  | 285  | 330  | 290   | 286 | 310  | 312  | 318  | 300   | 226  | 312  | 205  | 3,455  |



## APPENDIX "A"

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDING  
DECEMBER 31, 1921CANADIAN FISHERIES ASSOCIATION v. CANADIAN EXPRESS COMPANY *re* RATES ON FISH

*Judgment, Chief Commissioner Carvell, January 8, 1921, concurred in by Deputy  
Chief Commissioner Nantel:*

At the sittings in Prince Rupert on October 6, last, complaint was made by the Canadian Fisheries Association against a recent order of the Canadian Express Company by which they refuse to carry 102½ pounds of fresh fish packed in ice as 100 pounds, claiming that this practice was carried on at Vancouver and Seattle, being the other points along the Pacific Coast in competition with Prince Rupert. The whole case is found in the application of Mr. Williams, the counsel for the complainants, which is as follows:—

"One matter is that on the Pacific coast from Tacoma north, the deep sea fishermen bringing in halibut are allowed a deduction of 2½ per cent to cover slime and ice, which it is not advisable to wipe off the fish because the fish keep better if it is not removed. The custom obtains also of shipping those fish out upon the same basis. That is the fish plus the slime and ice weighs 2½ per cent more than the invoice. That obtains I understand all up the Coast, the idea being that the slime and ice is not fish.

"Recently the Canadian Express Company ruled that they had to be paid for the slime and ice. That is that the fish had to be billed and the express paid upon the invoice weight plus the 2½ per cent."

Attempts were made to substantiate the contention that this practice prevailed up and down the coast, particularly at Vancouver and Seattle, and it was held that Prince Rupert was being unjustly discriminated against in not allowing this custom to continue.

The Canadian Express Company repudiated any knowledge of such a custom. Mr. W. J. Cash, Manager of the Booth Fisheries, was called upon as a witness and stated (including some questions asked by myself in order to bring out the contention more clearly) as follows:—

"In Seattle the express company accepts shipments at invoice weight. The tariff allows no reduction on that invoice weight. Nevertheless, this which we claim not to be fish is not charged for in Seattle. They make no allowance in their tariff; just the same as the tariff here; the tariff calls for net weight. We claim net weight and this is in addition to what we claim is net or invoice weight.

THE CHIEF COMMISSIONER: Why should the express companies be compelled to carry 102½ pounds of weight and get paid for 100 pounds?

Mr. CASH: The fish is weighed up on that basis. There is an accumulation, owing to the fish being packed in the holds of vessels in crushed ice. Another thing is there is slime on the outside of the fish that keeps it.

THE CHIEF COMMISSIONER: Admitting all that, why should the express company be compelled to carry that 2½ per cent for nothing?

Mr. CASH: Their charges are on the net weight of the fish and they carry the boxes and ice for nothing."



12 GEORGE V, A. 1922

Mr. Williams also produced a statutory declaration by a Mr. George H. St. Denis, the Vancouver manager of the Canadian Fish and Cold Storage Company, Limited, declared to before James M. Coup, a commissioner, etc., at Vancouver, on the 27th day of September last, alleging that for seven years he had been local manager of the Canadian Fish and Cold Storage Company in Vancouver and, previous to that time, had been in the employ for several years of the New England Fish Company and the Canadian Fish Company at Vancouver, and, during his said employment, in shipping fresh halibut in carload quantities to eastern points, he had loaded  $2\frac{1}{2}$  per cent more fish into each box than was declared on the shipping documents handed to the express companies, and also claimed that, to his knowledge, it had been the practice for many years of other companies shipping from the same point.

The Dominion Express Company was represented at the hearing by Mr. Burr, its traffic manager, and by Mr. MacDonell, its general manager, and they stated positively that, if any allowance had been put on by the shippers using the Dominion Express Company, it had not been done with the knowledge of the company, and they stated they were then investigating the matter at Vancouver.

The parties were to furnish additional evidence as to the facts, and, in the month of October last, we received a copy of a letter from Mr. E. M. Whittle, General Manager of the American Railway Express Company at Seattle, addressed to its vice-president, as follows:—

“SEATTLE, WASH., October 13, 1920.

“MR. A. CHRISTESON,  
Vice-President.

“DEAR SIR,—Referring to your letter of September 21, and dunner of October 4, relative to certain allowance from actual weights alleged to have been made in connection with fish shipments forwarded from North Pacific points.

“In order to get at the exact facts I arranged with General Agent Hargrave to place a man at one or two of the fish houses at the time a carload was being packed and prepared for shipment. We selected the San Juan Fishing and Packing Company and Booth Fisheries, as they are the principal shippers from this district. At the former place we checked a complete carload forwarded in Northern Pacific refrigerator 99015 to Kansas City. This concern weighs the fish in a hopper scale and the product is placed direct in the boxes after weighing. The weigher keeps a record of the amount of fish placed in each box and weights are then marked on the box. Our man took the exact weight as shown on the scales, while the weigher for the San Juan Fishing and Packing Company used even pounds, sometimes allowing almost a pound on a box, but, as a rule the allowance would not be more than half a pound, it being the intention to give down weight on the scales on all shipments forwarded. On this carload the actual weight as taken from the scales by our man was 20,735 pounds. The billing weight furnished us by the shipper was 20,630, a difference of 105 pounds. This would be approximately one pound to the box, each box containing approximately two hundred pounds of fish.

“A complete car was not checked at the Booth Fisheries, as it was found early in the operation that their methods were exactly the same as those of the San Juan Fishing and Packing Company, that is, they gave us for billing purposes the weight furnished by the scale man which ran a little under the actual weight, as he gave the consignee the benefit of anything under an even pound on each box.

“A check of the Ripley Fish Company on L. C. L. shipments indicated that they arrived at the weight as closely as possible and gave us for billing purposes the actual weight as shown on the scales, with no deduction whatever.



SESSIONAL PAPER No. 20c

"Any variation from actual weight on shipments of fish forwarded from Seattle is at the scales and not through any percentage deductions after the boxes have been packed.

"It is very clear, therefore, that the charge as made is not in accordance with the facts, and while there may be a variation of approximately 100 pounds on a car-load of fish, it is not arrived at by any method of deduction, simply due to shippers showing the weight in round numbers dropping any fractions of a pound.  $2\frac{1}{2}$  per cent of the actual weight of the San Juan car, or 20,735 pounds, would be 418 pounds, whereas the billing weight as given to us was 20,630.

"Fish shippers here verify the statement that there is excess weight on both halibut and salmon on account of the accumulation of what is known as "gurry," consisting of slime and ice, but that no effort has ever been made to make any percentage reduction in the net weight to take up the item. The San Juan Fishing and Packing Company showed us the returns on several cars, each indicating that they were paid on the basis of the net weight at the time of delivery, which in each case was considerably less than the billing weight, in one instance as much as 500 pounds.

"I cannot see that there is any violation of tariff provisions and believe it would be unreasonable for us to expect shippers to weigh out these two hundred pound boxes of fish to the ounce.

"Yours truly,

E. M. WHITTLE,  
"General Manager."

I, therefore, take it that a custom has been in existence along the Pacific coast of shipping slightly more in weight than has been paid for, but the practice has not been uniform, and I am therefore compelled to decide this matter purely upon the legal question involved as to the meaning of the words "net weight."

The fresh fish tariffs of the Dominion, Canadian, and Canadian National Express Companies show that the carload rates apply on the net weights, subject to a carload minimum of 20,000 pounds. The tariff published by the American Railway Express Company applying from Prince Rupert and Vancouver, in connection with the Dominion, Canadian, and Canadian National Express Companies, to United States destinations also provides for net weights.

While the complainants may contend that the words "net weight" of the tariffs literally support their contention, what the tariff framers in all likelihood meant was the net weight as distinguished from the gross weight; in other words, the gross weight minus the weight of the box and the ice added at Prince Rupert, etc., as preservative.

As pertinent to this case, I quote from the judgment of the ex-Chief Commissioner, Sir Henry Drayton, in a complaint of the W. J. Guest Fish Company, of Winnipeg, regarding the express rate on fresh fish, in carloads, from Vancouver to Winnipeg, issued November, 1914 (file No. 4124.436), as follows:—

"The fish has to be carried in containers and on ice, and it has been calculated that the additional weight represented by the containers and the ice brings the weight of 20,000 pounds at which the rate is charged, to 32,000 pounds; so that, as a matter of fact, the company has to carry 38 per cent more weight than it is paid for. These calculations are probably more approximations than actual, but there is no doubt that the handling of fish does entail the carriage of a considerable extra weight."

I therefore must conclude that the words "net weight" mean the weight of the fish, and, if there should be a certain amount of slime attached to it, it is a part of



the fish, just the same as would be the fins or bones, and, therefore, I think the express company is justified in refusing to accept the billing as tendered.

In so far as the Dominion Express Company is concerned, while, as before stated, it had no knowledge of the custom, they have now instructed their superintendent at Vancouver that no such privilege shall be allowed in future, and, therefore, there will be no discrimination between Prince Rupert and Vancouver. From the practice carried on by the American Express Company at Seattle, I can see nothing which would justify a continuation of the practice in order to meet conditions at that point. The application will, therefore, be refused.

*Re* COMPENSATION TO BE PAID BY GRADE COAL COMPANY, LIMITED, FOR CONSTRUCTION OF  
CANADIAN NATIONAL RAILWAYS SPUR FOR THE NEWCASTLE JUNIOR MINING  
COMPANY, LIMITED, AT DRUMHELLER, ALTA.

*Judgment, Commissioner Rutherford, January 10, 1921, concurred in by Assistant  
Chief Commissioner McLean.*

This case arises from the application of the Canadian National Railways, under sections 181 and 182 of the Railway Act, 1919, for authority to construct, maintain and operate a spur line of railway for the Newcastle Junior Mining Company, Limited, across a portion of the southeast quarter of section 10, township 29, range 20, west of the 4th meridian, the mining rights under which area are held by the Hy Grade Coal Company, Limited, of Drumheller, Alberta, under a sub-lease from the Drumheller Land Company, which in turn holds the land under lease from the Crown.

At the opening of the hearing at Drumheller, on June 17, 1920, an agreement was reached between the parties, whereby the application of the Canadian National Railways was so amended as to come within the provisions of sections 164 and 197 of the Railway Act, 1919.

All parties consented to the construction of the spur line of railway, and Order of the Board No. 29809, authorizing the same, accordingly issued on June 29, 1920, this order expressly stipulating that the authority was conferred, "subject to determination by the Board of the matters alleged to fall within the scope of section 197 of the Railway Act, 1919," which reads as follows:—

"The company shall, from time to time, pay to the owner, lessee or occupier of any such mines, such compensation as the Board shall fix and order to be paid; for or by reason of any severance by the railway of the land lying over such mines; or because of the working of such mines being prevented, stopped or interrupted, or of the same having to be worked in such manner and under such restrictions as not to injure or be detrimental to the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of the construction and operation of the railway."

The spur track in this case, authority for the construction of which was granted by the Board's Order No. 29809, leaves the Canadian National Railways' right of way at a point in legal subdivision 1, in the southeast quarter of section 10, township 29, range 20, west of the 4th meridian, about 350 feet west of the road allowance between sections 10 and 11, and running for approximately 1,190 feet in a southerly direction, crosses the south boundary of section 10 at a point about 200 feet west of the said road allowance.

At the hearing on June 17, 1920, there was also before the Board the application of the Elgin Coal Company, Limited, of Drumheller, Alberta, for an order directing the Canadian National Railways to construct a spur line of railway to lead from the proposed Newcastle Junior Mining Company's spur to the Elgin Coal Company's property in the northeast quarter of section 3, township 29, range 20, west 4.



## SESSIONAL PAPER No. 20c

This spur as projected left the Newcastle Company's spur some 350 feet north of the south boundary of section 10 and running southeast, largely reduced the area between the Newcastle Company's spur and the road allowance between sections 10 and 11. The condition created by the filing of this application naturally affected the nature of the evidence adduced and the arguments submitted in both cases, and the Assistant Chief Commissioner ruled, after an agreement to that effect between all the parties represented, that where evidence given in either case had a bearing on the other, it should so apply.

The application on behalf of the Elgin Coal Company having since been withdrawn, the situation has undergone a considerable change, especially in regard to the practicability of mining the coal in the area above referred to, namely, that lying between the proposed spur of the Newcastle Junior Mining Company and the road allowance between sections 10 and 11.

In both cases, evidence was adduced by the applicants questioning the validity of the lease under which the Hy Grade Coal Company holds its land, inasmuch as the original lease from the Crown is held by the Drumbeller Land Company, the coal mining rights being sublet to the Hy Grade Coal Company. As the legal status of the Hy Grade Coal Company in the matter of land tenure does not enter directly into the question submitted to the Board, being properly a matter to be decided in the courts, it is not dealt with in this judgment.

The question is that of the amount which should be paid to the Hy Grade Coal Company as compensation for damage to its interests, arising out of the construction and operation of the railway spur for the Newcastle Junior Mining Company.

In considering this question of compensation, there are four important points to be dealt with, namely,—

1. The areas affected,—

(a) The actual area required for the construction of the spur for the Newcastle Junior Mining Company;

(b) The area lying between the Newcastle Junior Mining Company's spur and the road allowance between sections 10 and 11, township 29, range 20, W. 4.

and the quantity of coal which but for the construction of this spur could be removed from these areas by ordinary mining methods and with the usual operating costs.

2. The extra expenditure involved in removing the coal from areas (a) and (b), as also from the area lying to the west of the spur, as a result of the construction of the said spur.

3. The quality and probable value from a marketable standpoint of the coal in areas (a) and (b) as also in the area lying to the West of the spur, in regard to which severance is claimed.

4. The general comparative values of coal lands of like character and similarly situated as to development and operation.

Generally these points are dealt with in the order as given, but it will be seen as the case develops, that it has been necessary, in order to arrive at a decision, to consider them as more or less closely related factors.

1. The areas affected,—

(a) The actual area required for the construction of the spur for the Newcastle Junior Mining Company;

(b) The area lying between the Newcastle Junior Mining Company's spur and the road allowance between sections 10 and 11, township 29, range 20, W. 4.

and the quantity of coal which, but for the construction of this spur, could be removed from these areas by ordinary mining methods and with the usual operating costs.







SESSIONAL PAPER No. 20c

incorrect. The 40 per cent of coal comprised in the pillars is 40 per cent of total tonnage, and in this case therefore, if the Hy Grade Coal Company's figures as to total tonnage in area (b) were accepted as correct, the amount of coal recoverable, if the pillars could not be withdrawn, would be 60 per cent of 11,957 tons or 7,174 tons.

The Hy Grade Coal Company's calculations further show an estimate of tonnage for the total area involved (a and b), of 25,525 tons, of which 85 per cent or 21,696 tons would be recoverable, provided the pillars were withdrawn.

Summarizing the Hy Grade Coal Company's calculations as to the total tonnage involved, it is somewhat interesting to consider these in comparison with the acreage of the two areas:—

Area (a), comprising 1.53 acres—Calculated by Hy Grade Coal Co., to involve 13,568 tons.

Area (b), comprising 2.17 acres—Calculated by Hy Grade Coal Co. to involve 11,957 tons.

Total area, comprising 3.7 acres—Calculated by Hy Grade Coal Co. to involve 25,525 tons.

In this connection it should, however, be noted that Engineer Kidd, on behalf of the Hy Grade Coal Company, estimated that, in addition to the actual 66 foot strip occupied by the spur, there would be a further loss of coal owing to the necessary jogs in the entries under the spur, although the quantity of coal thus involved is very small as compared with the difference shown above.

Without expressing any opinion as to the advisability of withdrawing the pillars in that portion of the Hy Grade Coal Company's mine lying east of the road allowance, where the cover is evidently thicker and of greatly better character, the evidence on this point as given at the hearing was such as to convince the Board that if the pillars were withdrawn in the area lying west of the road allowance, the safety of the miners would be greatly endangered, the mine would be exposed to the risk of flooding and there would be serious damage to the surface rights, which were shown by the evidence to be, in this locality, worth approximately \$500 per acre for building purposes.

2. The extra expenditure involved in removing the coal from areas (a) and (b), as also from the area lying to the west of the spur, as a result of the construction of the said spur.

The general consensus of evidence given at the hearing was to the effect that the coal in area (a), actually occupied by the right of way of the Newcastle Junior Company's spur, could not be mined at a profit, owing to the extra timbering required to safeguard the operation of the railway line. The evidence of a number of witnesses went to show that the coal had been removed from that portion of the property lying under the Hy Grade Coal Company's spur, without extra cost for timbering, but it was also shown that the conditions there were very different. The cover at that point is over twenty feet in thickness and consists in part of a stratum of hard iron sandstone rock, while in the locality of the Newcastle Junior Mining Company's spur, the covering is much thinner and of greatly inferior quality, consisting of thin water-worn rock, sand and gravel which would necessitate extra heavy timbering.

Mining Engineer Kidd, appearing on behalf of the Hy Grade Coal Company, estimated the cost of timbering the two entries (first and second northwest butt entries), which it was proposed to drive under the spur in order to reach the coal on the west side of the track, at \$1,075.35 and the extra engineering required to keep the rooms from running under the right of way at \$150. Under cross-examination by Mr. Temple, on behalf of the railway company, this engineer stated that after the coal was removed and these entries were no longer required, it would be good business to chock them with rock, rather than to attempt to permanently maintain the timbering and he estimated the cost of such chocking of the two entries at \$1,140.



Mr. Jesse Gouge stated in argument, on behalf of the Newcastle Junior Mining Company, that the estimate of \$1,075.35 for timbering the two butt entries was ridiculously extravagant and estimated the total cost of timbering each entry at \$75, or presumably \$150 altogether.

With reference to the possibility of mining the coal in area (b) lying between the spur and the road allowance between sections 10 and 11, and comprising 2.17 acres, the evidence at the hearing was somewhat conflicting. Mining Engineer MacCauley, employed by the Liberty Coal Company, and president of the Newcastle Junior Mining Company, stated under cross-examination that assuming the coal in this area to be as good quality as elsewhere in the same field, it could be profitably worked, and on request, pointed out the methods which, in his opinion, should be adopted in operating the area in question, namely, to drive the slope through the closest possible point to save in haulage and then drive entries parallel with the road allowance.

On the other hand, Mining Engineer Jones, on behalf of the Hy Grade Coal Company, while admitting that the methods described by Mr. MacCauley were the proper methods for working this area, contended that it could not be profitably mined; that the entry work and switches necessary to remove the coal from this area would cost \$1,361, for which expenditure in entry work and switches elsewhere in the property, 35,925 tons of coal could be obtained, whereas, owing to short rooms and extra haulage, it would be possible here to take out only 7,193 tons. On checking up this last-mentioned tonnage, it has been found to be approximately 60 per cent of the total tonnage claimed by the Hy Grade Coal Company to be involved in this area (b).

3. The quality and probable value from a marketable standpoint, of the coal in the areas (a) and (b), as also in the area lying to the west of the spur, in regard to which severance is claimed.

Much greatly conflicting evidence was submitted as to the quality and probable value from a marketable standpoint of the coal in areas (a) and (b), as well as in the area lying west of the spur.

Mining Engineer Jones, on behalf of the Hy Grade Coal Company, stated that he had examined the coal at points where the Hy Grade mine encroached on the road allowance and found coal equal in appearance to that in any other part of the mine. No borings or tests had been made on the land occupied by the right of way, but he was familiar with the field and found that though there were some spots better or worse, this seam was fairly uniform.

Mining Engineer Kidd, on behalf of the Hy Grade Coal Company, under cross-examination by Mr. Gouge, stated that the land sloped from the road allowance westerly or a little south of west, towards the creek which enters section 10 and crosses the railway some few hundred feet west of the Newcastle Junior Company's spur. He believed the seam of coal outcropped in the creek, the bed of the creek being about twenty feet lower than the level of the road allowance. He thought that at the creek there was from five to ten feet of cover; that going westerly and northerly the ground dipped and the cover became thinner. At the point in the workings of the Hy Grade mine adjacent to the road allowance the surface had caved in rooms 3 and 4 off the first east butt entry; he had not noticed any other cavings near the road allowance on the west side of the property. There had been no work done and no coal removed from the vicinity of the road allowance during the last three months. The coal in room 2, off the first east butt entry, was, so far as he knew, perfectly good clean coal. He could not tell anything regarding the coal in entries 1 and 2 where they intersected with the road allowance as he had not been in that part of the mine for over a year.

To the counsel for the Hy Grade Coal Company this witness stated that he did not think the cover was less than 15 feet thick on any portion of the areas affected



## SESSIONAL PAPER No. 20c

by the construction of the spur; on the south boundary of section 10 would be the lowest point, but he thought it would be 15 feet thick there. The greatest depth of cover in these areas would be from 15 to 20 feet. To the Assistant Chief Commissioner he stated that this was not a matter of knowledge from tests but merely from knowing the depth at various points; there might be a variation of five feet from the irregularity of the surface.

Pit Boss Barclay, of the Hy Grade mine, stated that the coal in this mine was of the same quality as that in the Newcastle, Premier, or other mines in the locality. He found no local spots of inferior quality. The coal in the entries encroaching on the road allowance was quite good; practically the same as in any other part of the mine.

Duncan MacDonald, Provincial Inspector of Mines, in the performance of his official duties, frequently had occasion to go through the mine of the Hy Grade Coal Company. He had examined the coal along the westerly side of the workings approaching the road allowance. Back at the airshaft the depth was 27 feet, including the seam, which would leave 22 feet above the seam. The surface is undulating and the cover gets thinner towards the west. The coal on the westerly side of the mine was rusty. Entry number 1 going straight from the main shaft went into mushy coal under the road allowance; coal almost like moss. In his opinion there must have been seepage from the outcrop into the seam to produce this condition. There was a raise at that point of about four feet towards the surface. When the cover gets slack the coal becomes rusty. At the south end of the first and second butt entries in section 11 the coal looked pretty good and the roof was better. In the portion of the mine crossing the road allowance into section 10 he did not think the coal should be worked for commercial purposes, the cover being light. The coal was exposed in the bottom of the creek near the southwest corner. Rusty coal affected the market, as its value was slightly reduced for fuel purposes. Coal taken from under light cover contains a high percentage of moisture and when exposed to the atmosphere the moisture is absorbed and the coal breaks up very quickly.

It was not his official duty to interfere with the shipment of coal on account of its quality. As a man experienced in the coal industry, he considered the shipment of poor coal created a bad impression in the eastern market, but the Government does not control the quality of the coal.

To the counsel for the Hy Grade Coal Company this witness stated that he found mushy coal at the point where one entry encroaches on the road allowance, as also at one other point. All the coal in that vicinity was rusty coal of no commercial value and he thought the reason the Hy Grade people turned the workings at the road allowance was because the coal was mushy there. It was not unusual to find mushy coal when there was a depression of the ground and there was such a displacement there.

Mining Engineer MacCauley, on behalf of the Newcastle Junior Mining Company, stated that the road allowance and the right of way are approximately on the same level but the ground slopes rapidly from there towards the creek. Where the cover is light they invariably get rusty and mushy coal. Unless it is necessary to go through such areas for the further development of the mine, coal of that class is left alone, as it is not wanted by the trade. The labour cost of taking out coal, without overhead or equipment, is approximately \$3 per ton and no coal of rusty or slack character is worth \$3 per ton when it is in the car.

Mr. Jesse Gouge, on behalf of the Newcastle Junior Mining Company, stated in evidence that the coal in this field is lignite, particularly valuable if mined, loaded and sold in lump form, but has no value as slack. In this field thousands of tons of slack, for which there is no market, are annually wasted, and a large amount is sold for twenty-five cents per ton, or approximately the cost of loading, this being coal that has cost \$3 per ton to bring out. Coal which will not come out in lump



12 GEORGE V, A. 1922

form of a clear character has very little value; if it comes out in slack form it has no value. In screening coal which is particularly friable or easily broken, the percentage of slack is greater. In some places the percentage of slack might run to 30 per cent or 40 per cent, and immediately they got away from light and into heavier cover, the percentage would go down to 15 per cent or 20 per cent, the cost of mining the coal remaining approximately the same.

Mining Engineer Jones, on behalf of the Hy Grade Coal Company, stated that he had visited and inspected the mine at several points; where the entries encroached on the road allowance and a number of other points in the same vicinity. He found the coal there of the same quality as in the face of the mine. Dealing particularly with the two points on the road allowance, which he had visited the previous day, he stated that the coal at these points was neither rusty nor mushy; from his observations of the conditions existing in the work along the road allowance he thought the coal on the other side of the road allowance and extending to a distance of 275 feet to the west side of the spur, should show no change in quality; he would not expect to find any marked change in the coal owing to the diminishing of the thickness of the cover going down the slope towards the creek.

Charles L. Stanley, Secretary-Treasurer of the Elgin Coal Company, and formerly master mechanic at the Hy Grade Mine, testifying in the Elgin application, stated that the coal at the bottom of the slope in the Hy Grade mine appeared to be all right, but that as they went further south they found soft coal; the floor raised several feet and it appeared to be going to crop out a little further on; where they started to cross the road allowance they found soft coal, and they then cut across (presumably to the southeast) and the coal was again of uniform quality. They had much difficulty in marketing the coal taken from near the road allowance; Mr. McNab, a director of the company and one of its sales agents, refused to take this coal at all, as it was nothing but slack. Such coal was mined and marketed at a very great loss. He had a conversation with Mr. McConkey regarding the value of the coal along the west side and had asked him why they ever took up that piece of coal land at all. Mr. McConkey had stated that he realized that it was not worth anything practically, but it added to acreage and therefore if they ever wanted to sell the mine, it would give them a better selling on account of more acreage.

Mr. McConkey, Managing Director of the Hy Grade Coal Company, stated, in regard to this conversation with Mr. Stanley, that he did not remember making a direct statement of the kind attributed to him; he had said to Mr. Stanley that a certain portion of the land through the gulley was not of much use and that the coal from it would not be of much use.

Asked by counsel for the Hy Grade Coal Company if any remark of that sort referred to the coal near the road allowance, or within four or five hundred feet of it, he replied:—

“I was only a visitor to the mine at intervals.”

M. C. Pitcher, Consulting Engineer and Professor of Mining in the University of Alberta, testified in the Elgin application that he had been in the Hy Grade mine and that at the foot of the slope into the road allowance, the coal was mushy. Asked as to the probable profit to be made from mining the coal to the south-west of the two main entries, he stated that he would not have recommended working the coal there at all without further prospecting; he did not think this coal would warrant working and doubted if one would get operating costs from it, though he would not abandon it without prospecting.

Although chiefly concerned with the Elgin application, his evidence was generally to the effect that there were grave doubts as to the quality of the coal lying west of the road allowance; that the cover in that area was undoubtedly light and that if the pillars were taken out, not only would the surface be lost, but there would be serious danger of flooding the mine from the creek, especially in the spring.



## SESSIONAL PAPER No. 20c

Considerable evidence was given on behalf of all the companies interested by a number of miners who had previously worked in the Hy Grade mine, as well as by several others still employed there. Their respective statements were, however, of so contradictory and conflicting a character as to render this evidence of no practical value.

On the whole, the evidence given on this point was such as to convince me that while the quality of the coal in the areas under discussion was very largely a matter of conjecture, the probabilities at least were against its being equal in uniform value to that now being obtained from the same seam, but under better cover.

4. The general comparative value of coal lands of like character and similarly situated as to development and operation.

Evidence bearing on the value of coal lands in the Drumheller district was given by Mr. Jesse Gouge, who cited sales of 1,280 acres to the Midland Collieries for \$50,000, and 1,280 acres to the Western Gem Mine for \$50,000. Valuations of coal lands in the district have run from \$300 to \$400 per acre. Most of these lands had been proven by test holes and shafts before sale was completed, and while they were coal properties, tested and proven, he admitted they were not developed mines. In the capitalization of the Alberta Black Coal Company, 560 acres of the same seam of coal, further under the hill, with high cover, the valuation put upon the coal lands was \$150,000 for 560 acres (approximately \$268 per acre). The revenue collector in Calgary had objected to this valuation as too high. Coal lands are valued by the town of Drumheller for school taxes at \$40 per acre.

Professor M. C. Pitcher, testifying in the Elgin application, when asked by counsel for the Hy Grade Coal Company as to the value of coal lands in this district, stated that they were worth whatever you could get for them. He once knew of an acreage having been sold in the district, adjacent to mines that had been started and not very well developed, at \$300 and \$350 per acre, the latter being the highest price at which he knew of coal lands being sold in Alberta. Good coal lands could be leased from the Dominion Government on lines of railway, at \$1 per acre per year; he had bought coal lands in Alberta, adjacent to operating mines at \$40 per acre and had been unsuccessful in selling coal lands in the Edmonton district at \$8 per acre; he had succeeded in having his taxation of \$22 per acre on coal lands in the Edmonton district reduced to \$16 per acre.

Upon being asked as to whether this was a fair way to get at the value of the coal to the mine operator whose coal is already developed and ready to take out, he stated that the value of the coal to such a man depended upon what he could make on the coal he could get out; that if he had a mine developed to the point of operation he would not value the coal by what he would have to pay for a lease somewhere else, but contended that the price he had quoted was for lands adjacent to an operating mine; that the value of coal lands to the mine operator depended upon the expense of operation, how much coal there was to the acre, the ease of operation and quality of the coal.

A. H. Gibson, a coal operator, testifying in the Elgin application, had recently acquired 3,358 acres of land immediately to the south of section 2, bought in freehold tenure from the Canadian Pacific Railway Company, as part of their grant from the Government, at a price not exceeding \$15 per acre. In his opinion this land is more valuable than the land in section 2, immediately to the north of it, as it has been proven further back and has heavier cover.

In the light of the evidence as summarized, the points requiring consideration should, in my opinion, be dealt with as follows:—

With reference to area (a), the land occupied by the spur, and which comprises 1.53 acres, the evidence offered as to the quantity and quality of the coal which, but for the construction of the spur, would have been recoverable therefrom, was not such as to justify the approval of the claims for compensation, advanced by the



Hy Grade Coal Company. No satisfactory proof was furnished as to the actual quantity of coal in this area, and while, under the circumstances, the furnishing of such proof may have been practically impossible, the marked difference in the Hy Grade Coal Company's estimate of tonnage per acre in area (a) as compared with area (b), gives rise to grave doubts as to the correctness of the calculation in either case.

The evidence produced by the Hy Grade Coal Company as to the quality of coal in both of these areas as also in the area lying west of this spur, was not such as to justify the opinion that it was equal in value to that found in the main workings of the mine, where the cover and other conditions are more favourable.

On the other hand the evidence offered as to the inferior quality of the coal in these areas was also somewhat vague and unconvincing. In view of all the attendant circumstances and conditions, I am of opinion that instead of basing compensation on the calculations submitted, the amount of damage in regard to area (a) may reasonably and fairly be decided by adopting as a basis the acreage value of coal lands in the Drumbeller district.

The figures quoted in evidence in this connection vary widely, such variation being due to differences in the matter of development and consequent convenience or otherwise in operation. The highest figure mentioned by any witnesses was \$400 per acre, but in view of the undoubtedly serious interference with the working of this part of the Hy Grade mine, I do not think that any such valuation could be reasonably applied in this instance, especially when the figures submitted by the Hy Grade Coal Company are accorded that measure of consideration, to which they are, at least in some degree, entitled. I am therefore of opinion that in regard to area (a), comprising as already stated 1.53 acres, a price of \$1,000 per acre, or a total compensation for this land of \$1,530 should be allowed.

In regard to area (b), being the land lying between the spur and the road allowance, and comprising 2.17 acres, the situation is altogether different. It was shown in evidence and not contradicted, that the coal in this area could be mined, the only question left at issue being that of profitable operation. The inconvenience and extra expenditure in working this area was largely if not altogether due to the fact that it was bounded on the east by the road allowance between sections 10 and 11, under which only two entries had been authorized by the Provincial Government. The Newcastle Junior Mining Company was in no way responsible for the existence of the road allowance, which, in fact, was the principal obstacle in the way of the Hy Grade Coal Company extending its workings through to the spur.

I am therefore convinced that even as matters stood at the time of the hearing, the Hy Grade Coal Company was not entitled to compensation on account of any loss of coal which they might suffer in area (b).

Since the hearing, however, the Board has been officially informed by the director of surveys for the province of Alberta that instructions have issued for the closing of the road allowance between sections 10 and 11, action in this regard being merely delayed until a new roadway is surveyed.

Under the circumstances no damages should in my opinion be allowed the Hy Grade Coal Company on account of the coal in area (b).

The extra operating expenditure involved in mining the coal in the area West of the spur, as shown by the calculations of the engineers of the Hy Grade Coal Company, comprised:—

|  |            |
|--|------------|
| 1. Extra timbering of two entries under spur.. . . .   | \$1,075 35 |
| 2. Extra engineering required to keep rooms from running under spur.. . . .  | 150 00     |
| 3. Chocking of entries with rock when coal has been removed from area west of spur and mining operations completed.. . . | 1,140 00   |
| Total.. . . .  | \$2,365 35 |



## SESSIONAL PAPER No. 20c

Although the point was not specifically raised at the hearing, it is I think quite plain that Engineer Kidd's estimate for timbering the two entries under the spur covers the entire cost and not merely the extra work and material required on account of the construction of the spur. This view of the case possibly explains, at least to some extent, the wide disparity between the estimate of the engineer and that of Mr. Gouge. Even if Mr. Kidd's estimate is on this, and possibly on other grounds, somewhat excessive, consideration must be given to the requirements of safety and the general inconvenience in operation caused to the Hy Grade Coal Company by the construction of the spur. I think, therefore, that the two first-mentioned items should be allowed. The third item, namely \$1,140, for chocking the two entries under the spur with rock, when they are no longer required, is also reasonable and should be allowed. In view of the element of safety involved, there should, however, be some assurance on the part of the Hy Grade Coal Company that these monies will be actually expended for the definite purposes for which they are allowed, and for the same reason, it should be the duty of the railway company to satisfy itself on this point.

I am of opinion that the total of the sums as above set forth, namely three thousand, eight hundred and ninety-five dollars and thirty-five cents (\$3,895.35), should be the full amount of compensation to be paid to the Hy Grade Coal Company, Limited, by the Canadian National Railways, under the provisions of section 197 of the Railway Act, 1919, on account of the construction of the spur line of railway for the Newcastle Junior Mining Company, Limited

*Re* EXCHANGE ON FREIGHT CHARGES IN RESPECT OF INTERNATIONAL TRAFFIC

*Judgment, Chief Commissioner Carvell, January 13, 1921, concurred in by Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel, and Commissioners Boyce and Rutherford.*

About a year ago, complaints were made to this Board, practically altogether by exporters to the United States, complaining of the fact that they had been prevented by the Canadian railway companies from prepaying the freight through to the point of destination in the United States in Canadian money. A hearing was held at Ottawa on the sixteenth of March, 1920, at which practically all exporters were represented, and there it was stated, and with two exceptions admitted, that, before the rate of exchange between the two countries became abnormal, practically all the commodities exported had gone forward collect. The Board held in its judgment, dated March 27 that, under the Railway Act, a Canadian Railway Company could not be compelled to accept prepayment of freight.

Shortly thereafter, the American railways commenced demanding the prepayment of international freight to Canada, the result being that, with very few exceptions, the freight on all international traffic between the two countries was paid in the United States funds, and thereupon the Canadian importers commenced pressing for relief, the same as the exporter had previously done.

At first the exporters demanded the right to prepay the whole rate in Canadian funds, which of course would give them an advantage in that they would be able to pay the American end of the haul in Canadian funds, which were then as now worth less than the American dollar. Shortly thereafter, however, the demand from all classes of business men was that the Canadian end of the haul should be paid in Canadian funds, and, to the ordinary business men, this seems absolutely fair and reasonable. However, when considered as a railway proposition, it was vigorously opposed by the Railway Association and all the railway companies on the ground that shippers both ways would naturally forward their goods by that route the longest possible portion of which would be in Canada. In other words, the American



12 GEORGE V, A. 1922

roads would be short-hauled in practically every international transaction in Canada, excepting possibly exports from the greater portion of the maritime provinces, and, while this would be good business from the standpoint of the Canadian railways, yet it was argued, and I am convinced correctly argued, that, in a very short time, it would result in complete disruption of the whole international rate structure which has been laboriously built up during the past thirty-five or forty years.

However, on the 21st of December last, the railway companies were told that a solution of some kind must be found for the difficulty, and one which would in the end practically amount to paying the Canadian end of the haul in Canadian funds. On the 6th day of January instant, at a conference with representatives of the railway companies of Canada, a proposal was made which was accepted in principle, but further time was taken in which to perfect the details, and, finally, on the 11th day of January, a written statement was furnished this Board by the Railway Association of Canada, which was the result of extended negotiations between that body and this Board, reading as follows:—

“EXCHANGE SURCHARGE ON INTERNATIONAL SHIPMENTS, OTHER THAN COAL AND COKE, TO BE ADDED TO THE TOTAL THROUGH CHARGES, INCLUDING ADVANCED CHARGES PAYABLE TO UNITED STATES CARRIERS, WHEN PAYABLE AND COLLECTED IN CANADA.”

“1. A surcharge of sixty per cent of the rate of exchange arrived at in accordance with the provisions of this tariff will be added to the total through charges, including advance charges payable to United States carriers, on all shipments between Canada and the United States, in both directions, when such charges are payable and collected in Canada. When all charges are paid at United States points in United States funds this surcharge will not be added.

“2. On shipments from Canada the surcharge must be collected at the rate governing on the date of the bill of lading; and on shipments to Canada at the rate governing on the date of advice note of arrival at the Canadian destination. Such surcharge will accrue entirely to the Canadian carrier.

“3. Telegraphic advice will be sent to railway agents in Canada on the last day of each month specifying the surcharge to be collected from the first to the fourteenth (inclusive) of the following month; and on the fourteenth day of each month specifying the surcharge to be collected from the fifteenth to the last day (inclusive) of such month. Agents must file such telegraphic advice with this tariff. The surcharge must be shown as a separate item on all bills of lading and waybills for outbound shipments and on all freight expense bills.

“*Exception.*—This tariff does not apply to export and import traffic from or to points of origin or destination in the United States via Canadian ports, on which all charges must be collected in United States currency or its equivalent.

“*Note.*—In arriving at the surcharge the rate of exchange quoted for New York funds by the Bank of Montreal at noon in Montreal on the last day of each month will govern from the first to the fourteenth (inclusive) of the following month; similarly, such quotation at noon on the fourteenth will govern from the fifteenth to the last day (inclusive) of such month. Should the governing date fall on a Sunday or Canadian or United States legal holiday, the noon quotation of the preceding day will govern.

“In determining the surcharge, fractions less than one-half will be disregarded and fractions of one-half or over will be counted as one per cent.

“This tariff is effective January 22, 1921. The rate of exchange quoted for New York funds by the Bank of Montreal at noon in Montreal on January 21 will govern from the 22nd to the 31st, inclusive.”



SESSIONAL PAPER No. 20c

This proposal was supported and agreed to by representatives of the following railways: Canadian National, Grand Trunk, Canadian Pacific, Michigan Central, New York Central, Rutland, Toronto, Hamilton and Buffalo, Essex Terminal, Pere Marquette, Delaware and Hudson, and the Railway Association of Canada. It was also accepted by the representative of the Quebec, Montreal and Southern, who, however, protested that the arrangement would be extremely unfair to that road.

We also held conferences with representatives of the important Boards of Trade and trade organizations generally, all of whom considered the scheme the best that had yet been offered, although claiming that certain communities would be more favourably affected than others.

After considerable discussion, the proposal was agreed to by the Board. The principal discussion between the Board and the railway companies was as to what would be a fair surcharge to be added to the rate which would place the Canadian railway in a position to receive payment of the whole charge in Canadian funds and pay the American share of their American connections in American funds.

This arrangement will also apply to the American roads, who, while not compelled to send their freight forward collect, we are assured will do so because they will hold the Canadian railways responsible to pay them their share in American funds, and arrangements are now being made by the Canadian roads to have these goods forwarded collect, thus giving both the Canadian importer and exporter the right to pay the whole freight rate on international business in Canadian funds.

It is quite evident that the Canadian road which has a short Canadian haul and a long American one is at a disadvantage, whereas the road which possesses a long Canadian haul as compared with the short American one has a distinct advantage in this arrangement, but it was frankly admitted both by the railway companies and the Board that whatever was done must be on the broad principle of averages, and, therefore, some roads as well as communities must be benefited to a greater extent than others.

Without going into details, which I think are unnecessary, we found, after a very careful consideration of the total international traffic carried by the railway companies of Canada, based upon their respective divisions with American connections, that the traffic on the Canadian Pacific would be more nearly divided equally between Canadian and American hauls respectively than any other of the large systems, and their figures showed the American end to be somewhat larger than the Canadian. The Canadian National figures showed a slightly increased Canadian haul on an average over the Canadian Pacific, but the Grand Trunk showed quite a large percentage of the American haul greater than the Canadian. Putting together the business of the Canadian National and the Grand Trunk systems, they average practically the same as the Canadian Pacific business. When we come, however, to roads such as the Quebec, Montreal and Southern and the Toronto, Hamilton and Buffalo, there we find that from two-thirds to three-quarters of their international business is on the United States end, and the Toronto, Hamilton and Buffalo showing about 72 per cent, and, of course, as they will only receive a surcharge of 60 per cent, they will lose to quite an extent on all international traffic. However, as before stated, I have concluded that the principle of average is the only feasible method under present conditions by which this difficult problem can be solved at the present time, and, therefore, think that a surcharge of 60 per cent of the total rate of exchange is the figure which will on an average place the Canadian roads in a position to pay the American connections in American funds and yet leave them Canadian funds for their own portion of the haul.

It will be observed that this arrangement does not apply to the rate on coke and coal, the reason being that these commodities move practically altogether on local rates breaking at the border, and, as the Canadian importers have since May last been allowed to pay the Canadian end of this business in Canadian funds, no change is necessary.



12 GEORGE V, A. 1922

Neither does it apply to export and import traffic from or to points of origin or destination in the United States via Canadian ports, which still must be paid in United States currency, because, were this allowed to be paid in Canadian funds, it would practically mean that goods originating in the United States, exported through Canadian ports, would pay a less freight rate than if exported from American ports. This would be discriminatory as against the American railroads and would break up parity of export rates between Canadian and United States ports now in existence. This, in my judgment, would be a positive disadvantage to the business of the country as a whole.

It was contended by some interests at our conferences that the rate of exchange should be fixed weekly rather than fortnightly, but there again it is a question of average. The railways may have a slight advantage over one set of circumstances and the reverse may be the case under others; but, if it is found in working out the scheme that injustice results on account of the fortnightly arrangements, the Board reserves to itself the right to change it any time it may think proper.

While these arrangements are not perfect, yet, in my opinion, it is the best solution of the problem so far advanced by any person, and I feel sure it will grant a great measure of relief to the business interests of Canada.

The companies will be required to make monthly returns to this Board showing the amount of surcharge collected, and, if it is found that any change is necessary, either as to dates of arranging the same or the percentage upon which the whole scheme is based, the Board will make whatever corrections may to them seem necessary.

An order should, therefore, issue in the terms of the above proposal, the railway companies to have the privilege of filing the same as a tariff, effective on the 22nd day of January instant.

#### CITY OF ST. THOMAS v. M.C.R.R. CO., *re* SUBWAY

*Judgment, Assistant Chief Commissioner McLean, January 24, 1921, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Commissioners Boyce and Rutherford.*

The above application was heard at St. Thomas before the late Commissioner Goodeve and myself. The matter had been considered, but a concluded opinion had not been arrived at at the time of his death. I am, therefore, presenting the matter to the Board as a report made under section 12, subsection 1 (b) of the Railway Act.

The application is made by the city of St. Thomas for an order directing the Michigan Central Railway Company to provide a subway or other means for its employees to cross the tracks of the said company between Talbot street and the shops and roundhouse of the company in getting to and returning from their work. In the application the reasons are set out as follows:—

“Application is hereby made to the Board by the Corporation of the city of St. Thomas for an order directing the Michigan Central Railroad Company to construct and provide a subway or other means for its employees to cross the tracks of the said company, between Talbot street and the shops and roundhouse of the company in the city of St. Thomas, in going to and returning from their work.

“The grounds for the making of this application are that large numbers of the employees of the company are daily compelled in going to and returning from their work at the shops and roundhouse of the company, to cross both main line tracks as well as several sidings used for the moving of trains and for switching purposes, and in doing so they are in danger of losing their lives



SESSIONAL PAPER No. 20c

or of sustaining bodily injury. The lands of the said company referred to in this application lie south of Talbot street and between Ross street and First avenue, a distance of about 3,400 feet, and there is no street or highway or other means of crossing such tracks between Ross street and First avenue, as the lands of the said company between the above points are occupied by the main line tracks, sidings, shops and roundhouse of the company, and large numbers of such employees live north of Talbot street, and the shops and roundhouse are south of the tracks."

Counsel for the city set out that the matter had been brought to the attention of the City Council from time to time by the employees of the Michigan Central.

About one-third of the city from east to west between First avenue and Ross street is occupied by the tracks, yards or shops of the Michigan Central. These streets are some 3,380 feet apart. The yards of the Michigan Central are bounded on the north by Talbot street, on the east by First avenue, on the south by Wellington street and Jonas street and on the west by Ross street. There are subway crossings on First avenue and Ross street, but there are no crossings between. It is stated that a large number of the employees of the railway live on the north side of Talbot street, north of the Michigan Central, and also the eastern part of the city. It is contended that the men, to get to the shops and roundhouse, have to make their way across the tracks and over and through trains. From the north side, those having to get to the shops or roundhouse, may go either east around by First avenue or west by Ross street, then three blocks down to Wellington street and then back. It is stated by counsel for the city of St. Thomas that this involves a detour of about a mile.

In regard to the time and distance elements the submission of the railway was that there were three ways by which the men could cross the tracks in complete security in reasonable time, viz: (a) by going south from Talbot street on Ross street, under the subway constructed in 1908 to Jonas street, then east on Jonas street to the railway's property and thence by pathway across the railway's property to the shops. According to the evidence of Mr. E. R. Webb, this pathway is between tracks in a part of the yard not used for the making up of trains, but for repair work. The distance by this route from the corner of Ross and Talbot streets to the shops is given at 2,387 feet, and it is estimated that this could be walked in seven minutes. (b) By going the same route as in (a) but keeping to highways the whole way, by going south on Ross street to Wellington street, then east on Wellington street to the shops; this route being longer by 564 feet. The distance is given as 2,954 feet, and the time taken to walk it is placed at 8 $\frac{3}{4}$  minutes. (c) By proceeding east on Wellington street to First avenue via First avenue to Talbot street, distance 3,369 feet; the time is given at 11 $\frac{1}{2}$  minutes.

Under cross-examination, Mr. Donohue, Division Superintendent of the railway, stated that the men were forbidden to cross the yards, but that notwithstanding this they did cross at the lower end of the yard, instead of going through the Ross street subway, and then came up around the passenger trains and crossed through west of the yard. He stated that from Jonas street, which runs east from Ross street, there is a path alongside the tracks leading to the shops. He stated that in order to get to the roundhouse in coming from Jonas street the men would have to cross the tracks up by the shops, and not in the yard where the trains are moving about. Similar evidence was given by Mr. E. R. Webb, Division Master Mechanic.

While application was made for a subway, intimation was given by applicant at the hearing that an overhead bridge would be satisfactory. The application as launched deals with the situation affecting men coming from north of Talbot street. There is, as stated by counsel for the applicant at the hearing, very little difficulty at the south end of the yards.







## SESSIONAL PAPER No. 20c

the railway so as to provide means for the due protection of property, the employees of the railway company, and the public?" This provision is set out in subsection (g) of section 287 of the Railway Act of 1919, which reads:—

"(g) with respect to the rolling stock, apparatus, cattle guards, appliances, signals, methods, devices, structures and works, *including light, heat and power lines or wires*, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public *and all persons travelling on His Majesty's service.*"

The scope differs somewhat, this being indicated by the portions italicized; but it will be noted that the provision as to the safety of the employees is the same. Counsel for the Canadian Pacific Railway in the Winnipeg case admitted that the section quoted by Chief Commissioner Mayhew was, if there was any jurisdiction, the one applicable, and the contention that there was jurisdiction was upheld by the Chief Commissioner.

The question of safety, in respect to the justification for intervention by the Board, was referred to at various points, in the Winnipeg case. The Chief Commissioner said, at p. 3425: "These people cannot go back and forward to their work without some safe means of doing so." At pp. 3428 and 3429 the following language was used by him: "You cannot extend that at the expense of the safety of the people who have to get to and from the roundhouse. They have to have a mode of getting in and out without subjecting themselves to the dangers they have suffered in the past. It is a marvel that there have not been dozens killed already."

While counsel for the applicant in the present case adduced, as has been indicated, material bearing on the element of convenience, he frankly recognised danger as the main question, saying in this connection, the most important point is in the danger."

It was alleged that at one time a crossing had been maintained by the Michigan Central, south over its tracks from Talbot street to the shops, and it is stated that "of late years that has been abandoned and the men have been compelled to make their way as best they could across the tracks, and over and through trains." The railway's rejoinder regarding the status of this crossing, as set out in written answer on file is:—

"Mr. Doherty in his argument stated that there had at one time existed a surface crossing at or near the point where the subway is asked for. Such a crossing did exist prior to 1908, when the construction of the Ross street subway was ordered. It was, however, a private crossing used for the purpose of getting material across the yard from the company's freight sheds to the shops, and as an emergency crossing to be used in the event of fire at the shops, and it was never open to the public and was strictly a private one, and the employees were forbidden to use it. This was removed when the Ross subway was built in 1908."

Statements have been filed by both parties concerning the number of accidents which have taken place. It is contended by the railway that on any tabulation of accidents the figures should run from 1908 when the Ross street subway was opened. From the evidence in the application for a subway at Ross street (hearing of October 14, 1904, Evid., Vol. 11), it appears that at the date of the application there were gates on Ross street, and that on account of the volume of shunting the gates were down so much as to impede travel over this crossing.

That there is travel across the tracks south of Talbot street is admitted. That accidents have taken place is unfortunately true. The figures of accidents submitted by counsel for the applicant show some eight accidents which have taken place in the



last twenty-five years. It is stated this is a partial list. The railway sets out from its analysis that four of these accidents occurred while the men were on duty in the yards not crossing to their work; that in two cases there were accidents as a result of crawling between cars; in one instance an accident from a man jumping from an engine in freight shed in front of an engine backing up in the opposite direction, and one case they were unable to check. The list of accidents which the railway submits as happening from 1908 covers four cases, three of which are attributable to crossing the yards from Talbot street.

While questions of convenience in point of time taken in coming to and going from the shops and roundhouse were introduced, it is admitted that this is not the factor on which the Board can decide. Much as accidents are to be deplored, the accidents in question are not the determining factor. The question is the cause. If those employed in the shops and roundhouses create a dangerous situation for themselves by crossing the tracks of the company instead of taking an available detour involving some extra time, this does not of itself create a situation where the Board has power to intervene under the Railway Act. The sole question the Board can deal with is—is there an unsafe condition which the men are compelled to face? Are they compelled to cross the yards south from Talbot street? It was so asserted. The Board was asked to so infer from the details furnished as to accidents. But no evidence was adduced to show that men living north of Talbot street were compelled to cross the tracks. No evidence was presented by men actually working in the yards showing the alleged necessity of their crossing the tracks, or setting out the unescapable dangers of the existing situation, or showing why the detours suggested were not feasible and reasonable.

On the present record the application has not been justified.

SILVER STANDARD MINING COMPANY OF NEW HAZELTON, B.C., v. G.T.P.R. *re* OVERCHARGE ON SHIPMENT ZINC CONCENTRATES

*Judgment, Chief Commissioner Carvell, January 26, 1921, concurred in by the Assistant Chief Commissioner.*

At the hearing of this case in Edmonton, in November, 1919, I was very much impressed with the justice of the application. It seems that nine cars of ore were shipped from New Hazelton, B.C., by the Grand Trunk Pacific to Oklahoma, and the complainant was informed by the agent at New Hazelton, and this was confirmed by the general agent at Prince Rupert, that the rate of \$17.60 a ton should apply in cases where the shipper released any value in addition to \$50 per ton, and where the commodity was worth more than \$50 a higher rate prevailed. The nine cars of ore turned out to be worth about \$70 per ton, and the rate charged and collected by the terminal carrier in Oklahoma amounted to \$4,900 more than the shipper had been led to believe the rate would be.

At the hearing, I took the ground very strongly that the railway company had made a contract and should stand by it, but was discussing it always from the standpoint that the shipping documents carried a notation that the ore was worth only \$50 per ton, or that they released everything down to that point. This question was asked particularly by the Assistant Chief Commissioner at p. 12389 of the Board's Notes of Hearing, as follows;—

“THE ASSISTANT CHIEF COMMISSIONER: All your shipping documents carry a notation that the concentrates moved on a released valuation of \$50.

“MR. NEWELL: Yes. They released down to \$50 the same as they did with the lead, which the company has adjusted.....”.



SESSIONAL PAPER No. 20c

Again, at p. 12390:—

“THE ASSISTANT CHIEF COMMISSIONER: But the whole liability is limited to \$50, no matter what happens.

“MR. ROSEVEAR: In some cases on the bill of lading the words ‘value \$50 per ton’ were placed; in others, released value of \$50 per ton. But the terminal carrier claimed that the result of the analysis after the metals were extracted should be the basis.”

It now turns out that on five of the way-bills the notation had been put on, and on these five the terminal carrier has refunded the money to the Grand Trunk Pacific, who have been able to settle with the complainant; but on the other four, no doubt by mistake, the notation does not appear. I am, therefore, of the opinion that the omission of the valuation on the bills of lading for the four carloads still in dispute, inadvertently though it might have been, seems to me to have made the shipper liable for such higher rates legally chargeable, as the result of assay at the Sand Springs smelter showed values above \$50 per ton.

#### *In re* EXPRESS TOLLS

*Judgment, Assistant Chief Commissioner McLean, February 2, 1921, concurred in by Commissioner Boyce.*

It has been urged that the rate basis of one and a half times the standard freight rate for transportation service, plus sixty cents per hundred pounds set out in the Express Rate Judgment of 1919, was simply in so far as the one and a half times the standard freight rate was concerned, a finding on particular facts and not a settling out of a continuing basis.

I do not so understand the judgment; I read it as laying down a continuing basis, unless and until a change of conditions such as is not before us at present, has developed.

In the course of the hearing in the present case, the Chief Commissioner intimated that whatever action was taken would be temporary in its nature; as a result of the basis of one and a half times the standard freight rate, a change in the freight rate up or down affects this factor of the rate.

As a result of freight rate conditions, the increases allowed on freight rates enter into the railway transportation factor of the express rate above set forth. When the freight rate decreases, the decrease, of necessity, reduced the railway transportation factor.

The non-cartage differential was introduced as an attempt to equalize, in terms of charge, in so far as possible, conditions at a point where a cartage service was not performed with conditions at a point where such service was performed. It was pointed out in the Express Judgment of 1919 that the distinction made would have to be an arbitrary one. It was set out that cartage costs vary, the cost per shipment at Toronto being referred to as amounting to some fourteen cents on the average. The judgment continued;—

“My first idea was to make an arbitrary reduction from the rates of fifteen cents per shipment, where but one wagon service was performed and of thirty cents where no wagon service was performed. This, however, would be entirely unworkable. It would mean taking the first eastern block with a per one hundred pound rate of 80 cents, that between any two points where no wagon service was maintained, shipments up to four pounds in weight would be carried without any remuneration whatever, as the thirty cent minimum is reached with the four-pound lot. Under the same scale, if this plan were adopted, shipments up to fourteen pounds between such points would be



carried for the ridiculous remuneration of five cents. A shipment of forty pounds would return but twenty cents. The proper relationship to the freight charge would be destroyed."

It being recognized as impossible to deduct from each shipment the average cartage cost, what was done was to deduct from the head line rate, an assumed average cartage cost. The effect was carried down into the graduate tables as indicated in the examples contained both in the Judgment of 1919 and the reasons for Judgment of the Chief Commissioner in the present application.

As indicated, the intention was to aid to the limited extent possible in an equalization, by reduction in charge at a point where cartage was not performed. It was the intention that this should enure to the advantage of the consignor or the consignee, or both, according as there was or was not cartage service, either at the place of origin or destination, or both.

The question of importance is, how has it worked out? On the return, the details of which are set out in the reasons for judgment of the Chief Commissioner, it appears, that it has affected a considerable decrease in express revenues. That was to be expected. But it further appears that to a very large extent it has simply been in case of distributive costs which various firms as an incident of their businesses had voluntarily assumed. That is to say, the price as quoted by the firm carried the shipment to the consignee without any payment of express charges to him. The shipper, having antecedent to the introduction of the non-cartage differential, voluntarily assumed this burden as one of the incidents of the cost of carrying on his business was in the position, after this differential was established, of being able to reduce his distributive costs by the amount which the express company had to bear.

It would appear that while the revenue of the express company was being reduced the general consumer was not obtaining the advantage which had been anticipated. I participated in the decision establishing the non-cartage differential. I am forced, after careful consideration, to conclude that the Board would not be justified in directing its continuance.

In the application dealt with in 1919 the express companies desired to eliminate commodity rates except on a carload basis. This would have resulted in exceedingly heavy increases. The judgment of the Board used the following language:—

"I would dismiss the companies' application in so far as the commodity rates are concerned, entirely, subject to the right of the companies should it be found impossible for them to make both ends meet, to renew the application."

The application now before the Board as to commodity and other rates is for a general 40 per cent increase—an increase in the case of commodity rates much less than was involved in the application of 1919. I agree in the distribution of rates as set out in the reasons for judgment by the Chief Commissioner. It takes into consideration differences in the ability of the articles concerned to bear the increase, the heavier increase being put on the more highly valued articles; and in so doing it lessens the burden, as far as is feasible, on articles of food. At the same time, it assists in readjusting the spread between first and second class which was a matter of complaint.

It may be noted that what was proposed in regard to the increase of commodity rates in 1919, as above referred to, amounted in various instances to an increase of 100 per cent and more.

The computations as to cost of carriage on the basis of 34.7 cents per express car mile are set out in the reasons for judgment by the Chief Commissioner. If the figure of 30.62 is taken, as referred to in the foregoing reasons, as being the figure which was advanced by Mr. Geary as showing actual cost per car mile, then the result



SESSIONAL PAPER No. 20c

on the mileage from Mulgrave to Montreal is as follows; Express car mile cost, \$272.51; freight charges on a basis of 30,000 pounds, \$180. That is to say on a 50 per cent basis, the express company would receive \$136 as against a freight charge of \$180.

In the decision of the Board in the application of the *Edmonton, Dunvegan and British Columbia Railway*, the Board on September 8, 1920, used the following language:—

“The weighty responsibilities imposed upon the Board by Parliament compel the conclusion that rates inadequately remunerative are not only detrimental to the railway concerned, but in a wider and more important phase are detrimental to the public served by the railway, because if the rates be not adequately remunerative for the service the efficiency will tend to deteriorate, and there will be progressive difficulty in obtaining those adequate facilities which are essential if traffic is to move.”

The foregoing comment is pertinent here. It must also be recognized that within the limits of the Board's powers, as set out in the Railway Act, the only source whence adequacy of remuneration may be obtained is by payment from those using the service.

I agree in the conclusions and rate adjustments provided for in the reasons for judgment of the Chief Commissioner.

*Re* RATES ON FREIGHT GOING IN AND OUT OF SIMCOE, ONT.

*Judgment, Commissioner Boyce, February 5, 1921, concurred in by the Assistant Chief Commissioner.*

This application was heard before the late Mr. Commissioner Goodeve and myself at the sittings in Hamilton, and judgment was reserved. Shortly thereafter, and before the necessary enquiries could be made for the purposes of the judgment, my colleague was called by death.

The Chief Traffic Officer of the Board has made an exhaustive examination into all the questions raised, and his report thereupon deals with and disposes of all matters in controversy in this case.

I would adopt the report of Mr. Hardwell, the Chief Traffic Officer, attached hereto, as the judgment of the Board, and in accordance with his findings and conclusions so adopted as the judgment of this Board, order should go dismissing the complaint.

BOARD OF RAILWAY COMMISSIONERS FOR CANADA—TRAFFIC DEPARTMENT,  
OTTAWA, January 28, 1921.

TD 13940

TOWN OF SIMCOE, ONT.—“TOWN” TARIFFS.

File 29982

Heard at Hamilton, October 7, 1920.

REPORT OF CHIEF TRAFFIC OFFICER

This is an application that the town of Simcoe be given the benefit of the so-called “town” tariff class rates scale, lower, as a whole, than the standard tariff; that is to say, the Ontario distributing scale referred to in the Order of the Board No. 3258, July 6, 1907 (International and Toronto Board of Trade Rates Case), as Schedule “A,” which, subject to the various horizontal increases since granted, is still in force.



That order did not add to or subtract from the list of distributing points then existent; it only remodelled the rate schedule itself so as to remove anomalies complained against.

It is true that other centres have since been given special class tariffs from time to time, but while "special," these are not on the "town" tariff or Schedule "A" basis. For illustration, take Parry Sound, one of these added centres. Toronto is one of the originals, and as Schedule "A" operates in both directions the rates from Toronto to Parry Sound are applied reversely from Parry Sound to Toronto as the starting point for the new tariff, and between Parry Sound and the intermediate stations the rates are proportionately scaled downward without regard to Schedule "A." In other words, without knowing the precise basis, if there really is one, these new tariffs may be regarded as a compromise between Schedule "A" and the Standard Maximum Tariff.

The following are the Schedule "A" distributing points west of and including Toronto:—

|                |                 |                          |
|----------------|-----------------|--------------------------|
| Aurora,        | Ingersoll,      | St. Catharines,          |
| Barrie,        | Kitchener,      | St. Marys,               |
| *Brantford,    | *London,        | St. Thomas,              |
| Bridgeburg,    | Meaford,        | *Sarnia,                 |
| Chatham        | Merritton,      | Stratford,               |
| Collingwood,   | Midland,        | Thorold,                 |
| Depot Harbour, | Newmarket,      | *Toronto terminal group, |
| Doon           | Niagara Falls,  | Walkerville,             |
| Dundas,        | Orillia,        | Waterloo,                |
| Elora,         | Owen Sound,     | Welland,                 |
| Fergus         | *Paris,         | Warton,                  |
| *Galt,         | Petrolia,       | Windsor,                 |
| *Guelph,       | Point Edward,   | Wingham,                 |
| *Hamilton,     | Port Dalhousie, | Woodstock.               |
| Hespeler,      | Preston,        |                          |

There can be no question that these so-called "town" tariffs discriminate in favour of the centres which have them, and without a doubt they govern by far the greater bulk of the higher classes of freight moving within Ontario. They had their origin in the competition between the Grand Trunk and the Great Western of former days. So far back as 1874 the only places common to the Grand Trunk and Great Western which were favoured with special distributing tariffs were those I have marked with an asterisk in the above list.

The strength of the Grand Trunk's objection to the application lies in the fact—or so it seems to me—that the real "town" tariff points are the same now as they were at the time of the International Rates Case, and it may be assumed with some certainty that an addition now of Simcoe, or any other place having at least equal claim, would open the door to other similar applications.

Dominion Cannery have a plant at Delhi. Given the "town" scale at Simcoe, a later application to include Delhi might not illogically be expected. Mr. Watson stated that Tillsonburg gave his company a greater tonnage than Simcoe. Tillsonburg is not a "town" tariff point, but the lower basis could not well be denied if it were given Simcoe. These places are in the same Grand Trunk section as Simcoe.

The discrimination might, of course, be rectified by abolishing the "town" tariffs, as such, in favour of a uniform class tariff everywhere within each territory of the various scales. There might be three ways of doing this: by raising the distributing scale to the level of the Standard, a step which would undoubtedly be strenuously opposed by the manufacturing and jobbing interests; or by making the distributing scale the Standard, thus reducing what is now the Standard; or by a compromise between the two. Clearly, however, a system that in a lesser degree has been established for over half a century would demand very careful consideration.



## SESSIONAL PAPER No. 20c

It should be understood that the application of the town of Simcoe is by no means so far reaching of itself as might appear on its face. In the first place, the "town" tariff and the Standard are identical up to 35 miles. Secondly, to and from all points east of Toronto, Simcoe is already on the same footing as all other points west of Toronto under the grouping system outlined in the International Rates Case. This was admitted by applicants. Further, since the rates of the "town" tariffs apply in both directions, that is to say, to as well as from the distributing centres, it follows that Simcoe has the advantage of those rates to all the points west of and including Toronto enumerated in the list given above; also, under the long and short haul principle, to directly intermediate stations not in the list until the standard rates thereto become the lower. For example: the 1st class rate from Simcoe to Barrie, which has a "town" tariff, is 66 cents. The three next intermediate points are Thornton, Cookstown, and Beeton, which are not "town" tariff points. The standard rate to Beeton is 70 cents, and to Cookstown and Thornton 73½ cents, but they get the benefit of the 66-cent Barrie rate.

The tariff is plain on this point, reading as follows:—

"Rates to and from Intermediate Points: Shipments between points on the G.T.R. System . . . not specified herein will be charged standard mileage rates . . . subject to rates shown (herein) as maxima between stations directly intermediate."

Mr. Caldwell's exhibit No. 2 gives other examples. Thus, the standard 1st class rate from Simcoe to Forest is 73½ cents (distance 113 miles, not 110 as stated), but the actual rate is that of the Sarnia "town" tariff, viz., 63 cents. The standard rate to Belle River is 77½ cents, but the rate that would, or should, be paid is that to Windsor, viz., 70 cents.

The only additional advantage that Simcoe would secure, if its application were granted, would be the substitution of the "town" scale for the standard tariff to and from other points west of Toronto over 35 miles distant which do not fall within this arrangement.

It is my opinion that on the eve of a general inquiry into the entire rate structure of the Dominion the time is not favourable for the introduction of any complications by interference with an arrangement that has obtained for so many years.

Respectfully submitted,

J. HARDWELL,  
Chief Traffic Officer.

*Re* EQUIPMENT OF RAILWAYS WITH HART TYPE OF WOODEN PACKING FOR FROGS, WING RAILS, GUARD RAILS, AND SWITCHES

*Judgment, Chief Commissioner Carroll, February 15, 1921, concurred in by Commissioner Rutherford.*

So far as I can learn, this case originated by a letter from Mr. Frank Lee to the Chief Engineer of this Board, dated the 2nd day of April, 1919, suggesting that the use of the "Hart Blocking" at frogs and guard rails be made permissive.

Considerable correspondence took place and interviews between the Chief Engineer and representatives of railway men interested, and finally it was thought advisable that a public hearing be held at which all parties could be heard.

This took place in Ottawa on the 1st day of February instant, at which the Canadian Pacific Railway Company, the New York Central Railroad Company, the Canadian National Railways, and the Michigan Central Railroad Company were

It was admitted by all parties and strongly asserted by our own technical officials represented as well as the Brotherhood of Locomotive Firemen and Enginemen, that the Hart type of packing for frogs would be an advantage in many cases over that at present in use, and, therefore, while I do not feel we should make it compulsory, I think its use should be approved by this Board upon all railways under our control.



*Re* RATE ON LIQUORS AND SUPPLEMENT 15 TO CANADIAN FREIGHT CLASSIFICATION NO. 16

*Judgment, Chief Commissioner Carroll, February 16, 1921, concurred in by Commissioners Boyce and Rutherford*

In the month of May last, the Canadian Freight Association filed Supplement No. 14 (now No. 15) to the Canadian Freight Classification No. 16, the substance being that the rate on liquors in l.c.l. quantities should be increased to double first-class, and in car-load lots to third class.

According to the file, conferences were held with interested parties in different portions of Canada. Some objections were raised particularly by certain persons interested in the Ontario native wines industry and the proposal that shipments should be carried at owner's risk of breakage was also objected to. With these exceptions, no objections were made excepting by the Board of License Commissioners for Ontario, who protested not only on their own behalf but on behalf of the province of Alberta.

The case was heard at Ottawa on the 21st of December last, and at the hearing statements were made by the Canadian Freight Association and representatives of the Grand Trunk, Canadian Pacific and Canadian National Railways, all alleging that the loss by pilfering and the cost of protecting the goods in transit amounted in the case of the C. N. R. to more than the total freight received.

Mr. Birmingham, who appeared for the License Commissioners of Ontario, admitted that at one time during negotiations, upon certain conditions, he had agreed to the increased classification, but claimed that was before the increase granted by order of the Board No. 308, and now contended that the increase of 40 per cent up to the end of December and 35 per cent thereafter should be sufficient to compensate the companies for any loss.

With this contention I am unable to agree. The increases granted by Order No. 308 were intended to give to the railway companies just and reasonable rates for carrying on the general business of the country, and, if an abnormal condition has arisen entailing special loss and damage in the carrying of any special commodity, then the general increase granted was not intended to take care of such an abnormal condition. It, therefore, becomes very largely a question of fact.

Mr. Jackson, for the Canadian Pacific Railway Company, stated that, for the year 1919, the loss for all three roads, Canadian National, Grand Trunk, and Canadian Pacific, was \$112,500, that in 1920 the loss for the Canadian Pacific alone amounted to \$127,000, and the additional expense in policing the traffic was \$123,000, making a total loss for that railway of \$250,000, which he stated to be 16 per cent of their total loss and damage. He stated he had no figures to show how much liquor had been handled during the past year, and, therefore, did not know what the revenue from this particular commodity had been.

The Grand Trunk Railway Company alleged that their damage was equally great. Mr. Bowker stated that, since the middle of 1920, the cost of increasing their police staff for protecting liquor would amount to \$144,000 a year, and the evidence was general from all the railways as to losses and increase in pilfering, even with the increased protection already referred to. From figures filed with the Board since the hearing by the Canadian Pacific Railway Company showing the claims filed against that company in Winnipeg, Calgary and Vancouver alone during the month of December, it is clear the condition is getting much worse instead of better. In fact, in some cases, the claims amount to more than the total freight earnings, and, for the three places above mentioned, the total claims filed would average more than 50 per cent of the total earnings. It is impossible to account for such a condition of affairs, and yet, without a doubt, it exists, notwithstanding the efforts being put forward by the railway companies to counteract it.



## SESSIONAL PAPER No. 20c

As the liquor business will in the future be handled very largely by the provinces, some of whom are already making very handsome profits out of the business and the remainder of whom probably expect to do so, I am of the opinion that some further protection can be given the transportation companies without increasing the cost to the consumer and yet leave a very handsome profit to the public bodies who are handling the traffic.

For these reasons, I think the application should be granted, with the reservation, however, that there shall be no increase on native Ontario wines and owner's risk of breakages shall be eliminated.

## VALUATION OF SETTLERS' LIVE STOCK

*Judgment, Commissioner Rutherford, March 5, 1921, concurred in by Chief Commissioner and Deputy Chief Commissioner.*

This case was heard at Calgary, Alberta, on October 20, 1920, before the Chief Commissioner and the Deputy Chief Commissioner, judgment being reserved.

Having gone very carefully into the questions raised and the evidence adduced at the hearing, I am of opinion that the report of the Chief Traffic Officer, attached hereto, should be adopted as the judgment of the Board, and that order should go in accordance therewith.

November 18, 1920.

TD—9153.1

## COMPLAINT OF THE CALGARY LIVE STOCK EXCHANGE

File 28233.8

*Valuation of Settlers' Live Stock*

Heard at Calgary, October 20, 1920.

## REPORT OF CHIEF TRAFFIC OFFICER

This is a complaint that the carriers operating on the western prairies, in connection with the movement of settlers' effects, in carloads, containing live stock, still limit their liability for the animals to the valuations of the old live stock contract, and application is made for the increased valuations of the present contract as approved by the Board's General Order 298, June 2, 1920.

The contract valuations have been twice increased by the Board, the previous advance having been required by the Board's judgment dated July 31, 1914, made effective January 2, 1915.

The three sets of values follow:—

|                         | Old   | 1915  | 1920  |
|-------------------------|-------|-------|-------|
| Horses.. . . . .        | \$100 | \$200 | \$200 |
| Mules.. . . . .         | 100   | 100   | 200   |
| Colts.. . . . .         | 100   | 100   | 100   |
| Cattle.. . . . .        | 50    | 80    | 150   |
| Hogs.. . . . .          | 10    | 15    | 40    |
| Sheep, calves.. . . . . | 10    | 10    | 20    |

Settlers' effects, in carloads, including not more than 10 head of live stock, when the shipper signs the carrier's release limiting the value per package of the goods, are classified 6th class in the approved Canadian Freight Classification, and this item of the Classification still retains the old valuations.

The effects of immigrants from the United States are not, however, charged the 6th class rates; they are carried under a special tariff from the border gateways. The rates of this original tariff, subject to a minimum charge of \$10 per car, approximated only 25 per cent of the 6th class rates of the standard mileage tariff in effect prior



12 GEORGE V, A. 1922

to the judgment of the Board in the so-called Western Rates Case issued in April, 1914. The companies did not take advantage of the Board's permissive order in the 15 per cent case to increase these rates, but did comply with the requirements of Order in Council P.C. 1863, and have further increased them 35 per cent as permitted by the Board's General Order No. 308 of September 9 last.

The tariffs require a live stock contract to be executed, in addition to the bill of lading for the goods, when the car contains live stock, and the valuations printed in the contract to be altered to correspond with those of the classification as shown above in the "Old" column. The case turns on whether this tariff requirement ought to be cancelled and the valuations of the live stock, contract substituted.

There can be no question that these low special rates from the various ports of entry have been of great assistance in the development of the western country, as they were intended to be. The question is whether they reasonably entitle the railway companies to restrict their liability to a greater extent than if they charged the ordinary tariff rates. The right of the carrier to impose reasonable lawful provisions as some measure of compensation when reduced rates are granted, such as, for example, a greater minimum carload weight than that of the classification as applied to the regular tariff rate on certain commodities. If the western carriers were required to increase their responsibility in connection with the carriage of settlers' effects with live stock, they might not unreasonably, in my estimation, expect an increased rate for the carriage.

The question of similar shipments moving, not from the ports of entry, but between points both in Canada was also brought up. Mr. Reid admitted that the reason for the special rates on incoming shipments from the States, namely, the attraction of new settlers, did not apply in the case of merely migratory movements within Canada; and he mentioned that it was solely in view of encouraging immigration that he spoke.

This particular local traffic has also received special consideration by the railways, and although the rates do not scale so low as those previously referred to, I would apply the same argument. Taking for illustration, the 250 mile rates of the C.P.R. exhibit, the comparison is as follows:—

|                                    |                          |
|------------------------------------|--------------------------|
| Horses, straight carloads.. .. .   | 40½ cents per 100 pounds |
| Cattle, straight carloads.. .. .   | 37 " " 100 "             |
| Effects and stock, local.. .. .    | 29 " " 100 "             |
| Effects and stock, ex. U.S... .. . | 13½ " " 100 "            |

There is this point, however, that the shipper of a mixed carload of effects and stock would get no further protection if he were willing to pay the full 6th class rate under the classification, instead of the special 29 cent rate, because, as previously mentioned, the classification of settlers' effects still carries the old valuations. The standard 6th class rate for 250 miles is 49½ cents.

The 6th class rates are higher than the live stock rates both in the east and the west. I therefore consider that the live stock valuations in the classification of household goods and settlers' effects ought to be brought up to the level of those of the live stock contract, and particularly so in view of Mr. Kirkpatrick's remark at the close of the hearing that there had been some discussion looking to the abolition of the special rates for the local movements.

Respectfully submitted,

J. HARDWELL,  
Chief Traffic Officer.



SESSIONAL PAPER No. 20c

*Re* INTERPRETATION OF SECTIONS 306 AND 307 OF THE RAILWAY ACT, 1919. STEAM AND ELECTRIC RAILWAY CROSSINGS

*Judgment, Commissioner Boyce, March 7, 1921, concurred in by the Chief Commissioner, Assistant Chief Commissioner, and Commissioner Rutherford.*

The question involved arose originally from the following enquiry, addressed by the Chief Operating Officer of the Board, March 8, 1919, to Mr. C. G. Bowker, General Superintendent of the Grand Trunk Railway Company:—

“Referring to our discussion of Thursday last, *re* Brantford; I forgot to enquire as to why your trains approaching the electric line crossing at Colborne Street and at Market street do not come to a stop before crossing, as required by section 278 of the Act, to which I would direct your attention.”

Which was answered as follows:—

“Replying to yours of March 8. Our trains do not stop at points where they cross electric lines. It has never been understood that section 278 of the Act requires steam lines to stop at electric line crossings. If, however, that is the interpretation placed on it, we are going to have a fine time getting passenger trains through some of our large cities, such as Montreal and London, where we have a number of electric line crossings.”

The section (278) is in the old Act. The corresponding section in the Consolidated Railway Act of 1919 is 307. Section 306 (formerly section 277) is also involved in the consideration of the questions raised.

The enquiry was carried to the Canadian Railway War Board by the following query, by the Chief Operating Officer of this Board, on May 6, 1919:—

“How do you interpret section 278 (now 307) of the Railway Act? Should the steam railway train stop before crossing the electric line at a noninterlocked crossing?”

to which the Railway War Board replied, August 14, 1919:—

“It is the view of the War Board that in the circumstances described, the steam railway train should stop before passing over the electric line at non-interlocked crossing.

A further enquiry by the Chief Operating Officer of the Board, under date September 4, 1919, addressed to the Canadian Railway War Board, as to whether the War Board has taken any action with the railways to give effect to its interpretation of section 278 (section 307 of the 1919 Act) requiring a steam railway train to stop before passing over an electric line at a non-interlocked crossing, brought the following equivocal and apparently contradictory reply; which, coming from the War Board, (now the Canadian Railway Association) raised an important question upon a matter directly connected with the efficient administration of the provisions of the Railway Act, respecting public safety:—

“It is our view that no special action of this Board is necessary to give effect to this regulation. We understand, however, that there is a question as to the intent of the Act as regards application of the rule in the case of non-interlocked crossings of a steam railway with a street car line or tramway. It is the view of our General Operating Committee that this is not the intent of the Act.”

The effect of this reply, as is indicated in a memorandum of the Chief Operating Officer, is to leave the matter just where it was, so far as the railways contention is concerned, when Mr. Bowker's letter of March 11, 1919, was received.



The practice referred to in that letter, cited above, is being continued. The operation is said to endanger safety, and to be out of conformity to sections 306 and 307 of the Railway Act.

After giving due consideration to the contentions of the railways as to the interpretation of the sections referred to the Board had advised the principal railways to the following effect, viz:—

“Referring to the above matter, which has been the subject of investigation and consideration by the Board, I am directed to write the interested parties as follows:

“The question appears to be governed by sections 306 and 307 of the Railway Act, 1919 (old sections 277 and 278). It seems quite clear, by section 306, that neither train, nor engine, nor electric car shall make the crossing until the proper signal has been received that the way is clear. The provision applies equally to train, engine, and electric car, and, the context not being inapplicable (but being distinctly applicable) the word “railway” includes street railway and tramway. Section 307 is specific in its terms as to what is required to be done.”

The Railway Association contested the views of the Board as expressed in the above quoted letter and asked for a public hearing, and the Board, therefore, called upon the railways in public hearing (Ottawa, May 1, 1920) to submit their views. At the hearing, the Grand Trunk, Canadian Pacific, Canadian National, Michigan Central, and New York Central, were represented, as also the railway employees. The matter stood, after hearing upon the understanding that the Railway Companies would draft and submit for the consideration of the Board, a suggested clause, which from the railways point of view, would elucidate the Sections of the Act referred to (sections 306 and 307). No action has, however, been taken in this direction, and counsel for the Canadian Pacific Railway Company has written the Board that the solicitors for the various companies were of opinion that no amendment was necessary, and it is, therefore, desirable to dispose of the question raised at the hearing, so far as is within the Board's province to do so.

I see nothing in what was advanced at the hearing, or subsequently, to change the view of the Board upon the questions raised, as shortly expressed in the Board's letter to the railways of October 29, 1919, quoted above. I have examined the case referred to by the Railway Association, in its letter of February 28, 1920 (file 25177), which does not, it seems to me, in any way support the argument contra to the Board's opinion, expressed as above, as to the sections in question. In so far as it is relevant at all, the decision in that case, while in no way interpreting the sections of the old Act, corresponding to the present sections 306 and 307, did emphasize the fact that the principle to be maintained at all these crossings was that of public safety, and the Board's views in this case, sustained that principle in its view of the sections.

It is by section 287 (1) a part of the Board's duty to provide—

“for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains and the speed thereof, or the use of engines, by the company, or on or in connection with the railway.”

and in considering the application of any section, or combination of sections, of the Act, to a particular condition of things, or to a particular operation, it is surely the correct and wholesome principle to give due weight to the conservation of all the provisions of the Act passed in the interests of upholding public safety.

The operation at railway crossings—that is, the crossing of one railway by another—inferior, or superior, is, under the most stringent safeguards, a hazard-



## SESSIONAL PAPER No. 20c

ous one. No stronger evidence of that fact can be furnished than by the recent terrible accident, accompanied by enormous loss of life, at a crossing of the New York Central and Michigan Central railways at Porter, Ind., where, with full interlocker installed, the human element of sight and caution seemed to fail, and two high-speed first class trains crashed together. The intention of the legislation in question is, undoubtedly, in the interests of public safety, and if, as I do not admit or find, there is any language open to a dual construction, or admitting any doubt, as to exactness of the detail of the operation intended to be followed, that construction which will, in its broadest sense, afford the greater protection, will best uphold and support the principle of preserving public safety aimed at by Parliament in enacting the law. In such manner, and with due regard to the paramount interests of public safety involved, the Board has expressed its views.

While, on the argument, the meaning of these sections was subjected to ingenious suggestion, from various points of view, I fail to see that difficulty in reading the sections, one with another, as was attempted to be shown. Under heading "Precautions at railway crossings," these sections appear.

The argument was that under neither section 306 nor 307 requires a steam railway to stop when crossing an electric road or tramway. It is conceded that if the crossing is that of two steam railways under subsection (1) of section 306, all trains or engines come to a stop. It is argued, in effect, that section 306, subsection (1) while prohibiting an electric train, or an electric car, on a main line of railway, from passing over a crossing of a steam railway, until a proper signal has been received, as by that section prescribed, the trains or engines on the steam railway may cross the electric railway without such stop.

This is made clear by the following question and answer (vol. 327, p. 2954):—

"The CHIEF COMMISSIONER: Then you mean that if an ordinary train is coming along and reaches a place where the electric road crosses the steam road, the train is not compelled to stop?"

"Mr. CHISHOLM: Yes, that is my argument."

I cannot read section 306 (1) as to see the cogency of this argument. The section is prohibitive:—

"No train, or engine, or electric car, shall pass over any crossing where two main lines of railway or the main tracks of any branch lines cross each other at rail level, whether they are owned by different companies or the same company, until, etc., etc."

A train or engine does not run on an electric line, but the prohibition is as to train or engine. The electric car does not run on the steam railway, but the prohibition is as to the electric car. No significance in my opinion is to be attached to the words—

"Any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level."

In the absence of any specific interpretation in the Act as to what is a "main" line of railway, either steam railway, or electric railway. In most cases every electric railway is a main line of that railway, and as to steam railways the section applies as well to branch lines (main tracks) as to the main lines of railway, and the interpretation section (subsection 21) of section 2 means any railway which the company (i.e., the railway company) has authority to construct, or operate, and except where the context is inapplicable, includes electric railway and tramway. It would be very hard to argue, in the face of the enacting words of the section specifically mentioning electric cars, that the inclusion of electric railways on which those cars run is inapplicable to the context of the section and my view is that the word "railway"



in the section includes, and is plainly intended to include, railways, steam or electric, and with that made plain, the prohibition applies equally to a train, or engine, on the steam railway as well as to the electric car on the electric railway.

Subsection (1) of section 306 is applicable where there is—"a competent person or watchman in charge of such crossing." Subsection 2 of section 306 makes provision for the movement in the case of an electric car crossing any railway track at rail level where there is no person in charge, so that under subsection (1) of 306, if there is a person in charge of the crossing, it seems to me that train or engine, on the steam railway, and electric car on the electric railway, is prohibited from passing over the crossing until the signal is given. Under subsection (2) it is a specific duty, by reason of the nature of the traffic, laid upon the conductor of the electric car, to leave his car and ascertain that the way is clear, before giving a signal to proceed. The differences in the operations mentioned in subsection 1 and subsection 2 of section 306 are differences merely by reason of the diverse nature of the operations of the steam train and electric car respectively.

Now section 307 is absolutely mandatory in its enactment. It says:—

"Every engine, train or electric car shall, before it passes over any crossing, as in the last preceding section mentioned, be brought to a full stop."

Then follows a provision that where there is an interlocking switch and signal system or any other device, which, in the opinion of this Board, *renders it safe to permit engines and trains, or electric cars to pass over such crossing, without being brought to a stop*, the Board may, by order, permit such engines and trains, and cars, to pass over such crossing, without stopping, under such regulations as to speed and other matters as the Board deems proper.

No argument that I have heard has impressed me as varying the plain meaning of this section as applied to section 306. It is a specific direction in the interests of public safety as to the taking of necessary precautions at a railway crossing to avoid danger, as well in the interests of the public riding on the electric railway as of those riding on the steam railway. I see no reason why the passengers on an electric railway should be exposed to a greater hazard than those on a steam railway—but this is by the way. The sections are, to my mind, interlocked, and provide clearly for the various operations involved, and I think section 307 leaves no room for doubt, that whether there be a watchman or not at the crossing, every engine, train, or electric car shall, before it passes over any crossing, such as is mentioned in section 306, be brought to a stop, unless under the conditions and provisions mentioned in section 307, the leave of the Board is obtained to pass over said crossing without stopping.

At the hearing the railway employees were represented by Mr. W. L. Best, who strongly contended that the sections meant "stop."

Although ingenious argument was directed at the hearing to endeavour to engraft upon the sections, or one of them (section 306), a meaning which is obscure, I am unable to agree that the sense of the sections is in any way obscured or that there is any exception in favour of steam railways in their mandatory nature as to precautions in such a place of danger where the interests of public safety must receive the broadest and most anxious consideration of the Board.

#### RATES ON PULPWOOD FROM CANADIAN POINTS TO UNION BAG & PAPER COMPANY'S MILLS AT HUDSON FALLS, N.Y.

*Judgment, Commissioner Boyce, March 16, 1921, concurred in by the Chief Commissioner and the Deputy Chief Commissioner.*

The Union Bag and Paper Corporation, with head offices in New York city and mills at Hudson Falls, N.Y., under date June 4, 1919, preferred a complaint to this Board, the substantial portion of which is as follows:—



## SESSIONAL PAPER No. 20c

"The subject which I had in mind, and which I would thank you for presenting to the Board, *informally*, is in the matter of rates on pulpwood from Canadian points to our mills at Hudson Falls, N.Y.

"When the Interstate Commerce Commission granted the roads in the official classification territory of the United States a 15 per cent increase on commodity rates their decision of March 12, 1918—lumber and forest products were to take an advance of 1 cent per hundredweight. Later the general 25 per cent advance, which became effective June 25, 1918, further increased these rates by 25 per cent.

"In January, 1918, the Board of Railway Commissioners for Canada granted the Canadian roads a 15 per cent advance on all class and commodities, with the exception of coal. Their Permission No. 76 authorized the Canadian roads to further advance their rates 25 per cent, effective June 25, 1918, with the provision that, wherein the Canadian lumber tariffs were not in harmony with the American tariffs on the same commodities, same was to be adjusted accordingly. These grants by the Board resulted in the Canadian roads first advancing the rate on lumber and forest products 15 per cent and later by 25 per cent.

"Take for instance—Causapscal on the Canadian Government, on pulpwood. This is a Group 18 point. Prior to May 20, 1918, the rate from Causapscal to Hudson Falls was 16 cents per cwt. as per Canadian Government Tariff C.F. 226, I.C.C. 813, C.R.C. 1384. Effective May 20, 1918, this rate was advanced to 18½ cents as per C.G. Tariff C.F. 280, I.C.C. 869, C.R.C. 1536. Effective June 25, 1918, the rate was further advanced to 23 cents per cwt. as per Canadian Government Tariff C.F. 289, I.C.C. 882, C.R.C. 1555.

"Let us also consider a typical point on the Q.C., namely, St. Joseph. On pulpwood to Hudson Falls this "is a Group "D" point. Prior to April 17, 1918, the rate from St. Joseph to Hudson Falls was 10½ cents per cwt., as per Quebec Central Tariff 590, I.C.C. 231, C.R.C. 522. Effective April 17, 1918, this rate was advanced to 12 cents per cwt., as per Quebec Central Tariff 652 I.C.C. 258, C.R.C. 593. Effective June 25, 1918, this rate was further advanced 15 cents per cwt., as per Supplement No. 2 to the tariff last mentioned above.

"It is our contention that if the Canadian Board's Permission No. 76 had been literally followed, effective June 25, the rate on pulpwood from Causapscal to Hudson Falls would have been 21½ cents per cwt. and the rate from St. Joseph to Hudson Falls would have been 14½ cents per cwt.

"We are using Causapscal and St. Joseph merely as examples. During the summer of 1918 there were thousands of cars of pulpwood shipped from practically all sections of Eastern Canada to us at Hudson Falls.

"It seems to us that these tariffs should be immediately corrected, and that we should be awarded proper reparation. We, of course, are prepared to support our claim with proper documentary evidence, and we will appreciate the Board's taking this matter under immediate consideration and letting us have their decision, *at least informally*, at an early date."

The application is for interpretation and correction of the joint through rates on pulpwood from Canadian shipping points to United States destinations. The question involves the interpretation to be given to the order of the Interstate Commerce Commission, No. 57 (ex parte), dated March 12, 1918, in its 15 per cent case, and the Board's Special Permit No. 76, dated June 5, 1918, in connection with the United States Railroad Administration's General Order No. 28, dated May 25, 1918, generally referred to as the McAdoo Order.



Interstate Commerce Commission Order No. 57, reads in part as follows:—

“Commodity rates on lumber and forest products may be increased by 1 cent per 100 pounds.”

Upon that order this Board issued its Special Permit No. 76, addressed to the Chairman of the Canadian Freight Association:—

“CANADIAN PACIFIC R.Y. CO'S. TELEGRAPH”

OTTAWA, June 5, 1918.

“G. E. RANSOM,  
“Canadian Freight Assn.,  
“Montreal, P.Q.

“Your application June first. Existing freight tariffs from Canada to United States may be increased to same extent as those in reverse direction under Director General McAdoo's General Order two eight, and may be made effective not earlier than June twenty-fifth instant by filing on not less than one day's notice, provided that where tariffs, lumber from eastern Canada for example, are now out of line with American tariffs on same commodities from or to corresponding or competitive territories in United States, they must now be placed on proper relative basis. Board's special permission number seven six.”

A. D. CARTWRIGHT.

The applicants take the ground that pulpwood is a “forest product,” and that as such it was expressly provided for in the I.C.C. Order No. 57, quoted above. That consequently in computing or making up, under the 15 per cent order, the through rates charged the applicants they should have been made upon the basis therein specified, viz: 1 cent per 100 pounds plus 25 per cent, in accordance with the increase orders, instead of, as has been charged and paid by applicants, viz: 15 per cent addition under the first, and 25 per cent under the second order. The railways contend that the I.C.C. order was intended to apply to the products commonly covered by the lumber tariffs and that pulpwood having a special tariff is not one of these. The applicants ask for correction of the tariffs and suitable reparation, upon the thousands of cars shipped there under the increased rate. The differences on the movements shown in applicant's complaint, are, an excess charge of  $1\frac{1}{2}$  cents per cwt. from Causapscal Falls, and a  $\frac{1}{2}$  cent per cwt. from St. Joseph to Hudson Falls, N.Y., respectively, but on the thousands of carloads involved the reparation asked for is substantial.

The Special Permission of this Board, No. 76, cited above, authorizes the increase of freight tariffs from Canada to United States points “to same extent as those in reverse direction under Director General McAdoo's General Order No. 28,” with the proviso that where tariffs, instancing lumber from Eastern Canada, were out of line with American tariffs on the same commodities from or to corresponding or competitive territories in United States, they should be placed upon the same relative basis. The effect of the order with the proviso mentioned, was to adopt so far as the Canadian portion of the International through rate originating in Canada was concerned, the increase Order of the Director General of the United States making same to conform to the American rates on the proper relative basis.

The contention of the Canadian Freight Association is that the Canadian Railways have advanced their rates into this competitive territory to the same extent and upon the same principles as the American railways have advanced theirs. Mr. Ransom, at the hearing (p. 3181-2) explains the contention of the Canadian railways in this respect as follows:—

“The CHIEF COMMISSIONER: Have you any knowledge, Mr. Ransom, of what has been the attitude of the Interstate Commerce Commission upon this



## SESSIONAL PAPER No. 20c

subject? The order is rather a peculiar one. I think for the purpose of getting it on record I had better read it. It is an Order of the Board dated June 5, 1918."

The Chief Commissioner then read Special Permit of this Board, of June 5, 1918, No. 76 (cited above) and proceeded:—

"That shows that this order must be construed very largely in respect of how the Interstate Commerce Commission may construe their tariffs under their 15 per cent rate case.

"Mr. RANSOM: We say as the United States carrier construes the order. Furthermore, the specific advance given by this Board on pulpwood at points in Canada is identically the same as we have advanced in the States. I do not believe it is the intention of the Board to make a lower advance on pulpwood from Canada into the United States than was given the Canadian manufacturers."

This Board's permit No. 76, referred to above, it will be observed, provides for increases in tariffs to same extent as those in reverse direction, but it is pointed out, and accentuates the difficulties of interpretation, that there is no traffic in pulpwood from United States to Canada, and therefore, no interpretation of the American tariffs from that point of view is to be had.

Mr. Macdonnell, for the Canadian Pacific Railway Company, quoted the following distinctive rates from two characteristic pulpwood shipping points in Eastern Canada (Batiscan and Megantic) to Hudson Falls, N.Y., on lumber and pulpwood, respectively, as showing what those rates were prior to the 15 per cent increase and the effect of the increases of 15 per cent and 25 per cent respectively, and shewing that pulpwood moved under a lower rate than lumber, as follows:—

## LUMBER

| From                   | Tariff          | Tariff        | Tariff         |
|------------------------|-----------------|---------------|----------------|
|                        | E-2650          | E-3103        | E-3193         |
|                        | C.R.C.E.-3022   | C.R.C.E.-3419 | C.R.C.E.-3504  |
|                        | August 16/15    | April 20/18   | June 25/18     |
| Megantic, P.Q. . . . . | 13.7c. per cwt. | 16c. per cwt. | 18½c. per cwt. |
| Batiscan . . . . .     | 14.7c. per cwt. | 17c. per cwt. | 19½c. per cwt. |

## PULPWOOD

| From               | Tariff          | Tariff         | Tariff              |
|--------------------|-----------------|----------------|---------------------|
|                    | E-2475          | E-3097         | Supp. 3, June 25/18 |
|                    | C.R.C.E.-2847   | C.R.C.E.-3413  | E-3097              |
|                    | September 10/14 | April 3/18     | C.R.C.E.-3413       |
| Megantic . . . . . | 10c. per cwt.   | 11½c. per cwt. | 14½c. per cwt.      |
| Batiscan . . . . . | 10c. per cwt.   | 11½c. per cwt. | 14½c. per cwt.      |

The classification in the McAdoo Order (25 per cent case) appears in section 2(a) under the following head:—

"Lumber and articles taking same rates or arbitraries over lumber rates; also other forest products, rates on which are not higher than on lumber, twenty-five (25) per cent, but not exceeding an increase of 5 cents per 100 pounds."

By section 3 all export and import rates were cancelled and domestic rates applied to and from ports.

It appears from the Canadian tariff, cited above, that pulpwood moving from Eastern Canada to United States points takes a lower rate than lumber, and it is strongly contended by applicants, that pulpwood is a "forest product" and as such is governed by the classification, and increases thereon, under the term "lumber and forest products" in I.C.C. Order No. 57, and not by the Canadian tariffs on pulpwood.



The Chief Traffic Officer of the Board, in an interim report, points out that in the report of this Board to the Governor in Council, in the Canadian 25 per cent Rate Case, says, section 11:—

“In the Maine and New Hampshire districts, where pulpwood is produced and comes directly into competition with Canadian pulpwood, the American railways put into force an advance of 15 per cent before the McAdoo order was made.”

But, it is pointed out, that this statement not only is dependent upon the reading of the American tariffs, but is subject to the interpretation placed upon them by the Interstate Commerce Commission wherever they have been the subject of investigation by that body, and that, therefore, it is important that the Board should examine the American tariffs to ascertain how far its statement to Council, as above, is subject to variation, in view of the Board's Permit No. 76, by changes made in tariffs by the American railways, either of their own motion, or as a consequence of rulings by the Interstate Commerce Commission giving these tariffs a different construction. As the Order of the Interstate Commerce Commission applied to through rates into Canada as well as to American domestic interstate rates, the Board's 15 per cent order necessarily applied not only to through rates from Canada to the United States, but to rates within Canada. The Board, therefore, both in its preliminary examination of the complaint, and at the hearing, made inquiries as to these American tariffs, *i.e.*, those applying between points in the United States and not internationally, and therefore not filed with the Board, as necessary evidence to the full consideration of the case. It also made inquiries as to the interpretation placed upon them by the Interstate Commerce Commission. The inquiries in both these respects have not, so far, been productive of such definite information and evidence as, in my opinion, enables this Board to decide that the question of interpretation is free from doubt, although there is some evidence thereupon to which I shall refer. The American tariffs could not be supplied. It was said by applicants that they could not be procured because they were not available.

The applicants were then asked to obtain from the American railways concerned, a statement of increases in their pulpwood rates, made under the authority of the Interstate Commerce Commission, *ex parte* Order No. 57. The applicants, therefore, submitted replies from some of the American railways concerned, and also a letter from the Interstate Commerce Commission, addressed to applicants in reply to their inquiry, relative to increase of rates on pulpwood. As the matter is of importance, I will quote the substance of the replies from the American railways, to the applicants, as regards these rates:—

(1) Michigan Central Railroad, November 4, 1919:

“The rates on pulpwood were advanced 1 cent per 100 pounds. Tariff containing the 15 per cent was cancelled.”

They attached copy of present tariff, which is in line with I.C.C. decision of March 12, 1918, in case *ex parte* No. 57, which authorized the advance of rates on lumber 1 cent per 100 pounds.

(2) Grand Rapids and Indiana Railroad, November 1, 1919:

“Our pulpwood rates under the application of the above decision in *ex parte* 57 were advanced 1 cent per 100 pounds.”

(3) New York Central Railroad, October 28, 1919:

“As to our local rates . . . they were advanced 15 per cent with a maximum of 20 cents per ton or 1 cent per 100 pounds. We have a number of tariffs making rates on pulpwood between points on our line but I would



## SESSIONAL. PAPER No. 20c

be at a loss to know which to send you. I take it, however, that in view of the definite advice given above as to the method used in advancing our pulpwood rates, that your needs will be met."

## (4) Central Vermont Railroad, October 27, 1919:

"I have not had an opportunity of checking all of our special rates on pulpwood, but my understanding is that we increased our pulpwood rates by the same measure as obtained on lumber, namely, 1 cent per 100 pounds."

The Canadian Freight Association being appraised of the opinion of the Board that the American tariffs referred to were of importance in the consideration of this matter, also made inquiries of certain American railroads, and submit the following in support of their point of view:—

## (1) Maine Central Railroad, July 10, 1919:

"Your understanding, so far as this railroad is concerned, is correct; that is, in the 15 per cent case, where specific commodity rates were established on pulpwood, the rates were increased 15 per cent, but where pulpwood was carried in the lumber tariffs, the rates were increased 1 cent per cwt. In the 25 per cent the same method obtained."

## (2) Boston and Maine Railroad, June 30, 1919:

"From checking up our local rates on this commodity, I would advise that the Boston and Maine Railroad proceeded to advance their rates in the same manner as outlined in your letter, that is, if pulpwood was carried in a lumber tariff at lumber rates, it was advanced 15 per cent and 25 per cent, or if this commodity was carried in a separate tariff at specific rates, we also advanced these specific rates 15 per cent and 25 per cent."

## (3) New York Central Railroad, June 23, 1919:

"The New York Central Railroad rates on pulpwood in Northern New York were advanced 15 per cent under *ex parte* No. 57 and not 1 cent per 100 pounds as was done in connection with the rates on lumber, and under the 25 per cent advance, the rates were advanced 25 per cent without reference to the special advance on lumber."

With regard to the last-mentioned letter it is to be observed that the statement of the New York Central Railroad to Mr. Ransom, of June 23, 1919, is not exactly in the same terms as the statement from the same railroad of October 28, 1919, to the applicant company.

The applicants also submit a copy of a letter addressed to them from the Interstate Commerce Commission, March 5, 1920, as follows:—

"The commission has received your letter of February 10, with enclosures, file WA-2, relative to increase of rates on pulpwood under the commission's order of March 12, 1918, in the 15 per cent case.

You are advised that the commission does not appear to have interpreted the particular portion of its order above referred to relating to pulpwood so as to enable me to answer your enquiry.

It is the policy of the commission not to express opinions upon such matters unless or until they arise in connection with concrete instances within its jurisdiction. Since the rates to which you refer in your letter are published by Canadian lines, the commission would be averse to expressing its interpretation of the order referred to in connection with the facts presented by you. If the Board of Railway Commissioners for Canada desire an inter-



12 GEORGE V, A. 1922

pretation by the commission of the portion of its order of March 12, 1918, relating to pulpwood, a suggestion to that effect by the Board addressed to the commission would of course receive careful consideration."

It will be observed that the statements of the American railways are not entirely in accord, or free from doubt, with regard to the point in issue and which this Board is asked to decide.

The Board, therefore, on March 20, 1920, submitted to the Interstate Commerce Commission, an inquiry as to that commission's interpretation of its order with respect to the matters in question, as outlined in the following letter:—

"It has been represented to the Board, in connection with a complaint relating to shipments of pulpwood from Canada to the United States, that a different interpretation seems to have been placed by the United States carriers on the Interstate Commerce Commission's order, dated March 12, 1918, in the 15 per cent case, so-called, as it affected pulpwood shipments, some having increased their rates one cent per 100 pounds and others 15 per cent, and that the Board of Railway Commissioners would be much pleased to have the Interstate Commerce Commission's interpretation of its order in this regard."

The reply of the Commission on the 21st April was as follows:—

"This matter has been given consideration, and it is the informal view of the Commission that pulpwood falls within the term "forest products" as this term is used in the Commission's Order in the 15 per cent rate case."

The view of the Interstate Commerce Commission as expressed in the above letter is stated to be an informal one and apparently conflicts with the interpretation of the Interstate Commerce Commission's 15 per cent Order, as expressed in the tariffs of some of the United States carriers referred to above, so that while, informally, the Interstate Commerce Commission expresses an opinion to this Board as to the construction to be placed upon the tariffs, it would appear that there are in force, in the United States, tariffs which have not been modified or brought into line with this interpretation of the Interstate Commerce Commission, and consequently the matter remained open to some doubt, and under these circumstances, it came to a hearing, at which, it must be confessed, not very much further light was thrown upon the difficulty involved.

Reference having been made at the hearing to the tariffs of the Bangor and Aroostock R.R., Maine Central, and Boston and Maine, it is ascertained, upon examination, that the history of these tariffs relative to the circumstances under consideration is as follows:—

**"BANGOR AND AROOSTOOK R.R.**

"B. & A. R.R. tariff C.R.C. No. 242, effective January 11, 1918, from local points to Corinth and Fort Edward, N.Y., quote a 19-cent rate, which was increased to 22 cents, or 15 per cent, on April 29, 1918, in tariff C.R.C. 256, and which was reduced in tariff 280, effective March 31, 1918, to 20 cents, or an advance of 1 cent over rate in C.R.C. 242, and again increased 25 per cent by blanket supplement effective June 25, 1918."

**BOSTON AND MAINE R.R.**

"B. & M.R.R. Tariff C.R.C. No. 1744 (as in Supplement 7 thereto, effective December 17, 1917) from stations in Canada and the United States to points in Mass., N.H., Vt., N.Y. and Pa. was cancelled by C.R.C. 1871, effective June 10, 1918, which increased rates 15 per cent and which was further increased 25 per cent by blanket supplement effective June 25, 1918."



SESSIONAL PAPER No. 20c

## MAINE CENTRAL R.R.

"M. C. R. R. C.R.C. No. C-1283, effective February 21, 1918, from stations in Canada and the United States to points on Boston and Maine and St. Johnsbury and Lake Champlain R.R.'s was cancelled by C.R.C. No. C-1347, effective April 17, 1918, which increased rates by 15 per cent. These rates as increased by 15 per cent are carried forward in tariff C.R.C. No. C-1435, effective June 17, 1918, and further increased 25 per cent by blanket supplement effective June 25, 1918."

Communication was had with the Interstate Commerce Commission with reference to the tariffs of the Bangor and Aroostook, to Corinth and Fort Edward on pulpwood, and the reissue thereof substituting the increase of 1 cent per 100 pounds. The Commission was asked to state, having reference to its previous letter to the Board of April 21, cited above, whether the increase in rates on pulpwood, permitted by the I. C. C. was 15 per cent, or 1 cent per 100 pounds, and it was requested to state the reason for the rejection of the tariff of the Bangor and Aroostook R.R., for which the Bangor and Aroostook substituted I.C.C. 1283, changing the increase over the ordinary rate, from 15 per cent to 1 cent per 100 pounds, and whether such rejection had any connection with the informal view of the Interstate Commerce Commission, as communicated to the Board in the letter referred to. In reply to this enquiry the following communication was received from the Interstate Commerce Commission, with its enclosure, which are set out in full as follows:—

"Referring further to your letter of November 15, having reference to the communication of this Commission dated April 21, 1920, regarding rates on pulpwood.

"You refer to the fact that the B. & A. tariff I.C.C. 1222 which purported to increase rates on pulpwood 15 per cent was rejected for filing by this Commission and a subsequent tariff provided for a straight increase of 1 cent per 100 pounds on this commodity, and ask whether our informal ruling of April 21 had any bearing upon the rejection of this tariff.

"Our examination of the files indicates that the tariff in question was rejected on April 30, 1918, practically two years prior to the time of our informal ruling above referred to. The reason for rejection of this tariff was fully outlined in a subsequent letter from our Bureau of Tariffs dated May 11, 1918, a copy of which is enclosed. You will observe that in both instances the Commission took the view that pulpwood properly should be considered as a "forest product," within the meaning of *ex-parte* 57. There is nothing to indicate, however, that our rejection of this particular tariff and our informal ruling on a similar question had any direct relationship one to the other, except, of course, that both actions were predicated on practically the same theory.

(Enclosure)

"Yours of the 4th instant, file W-1501, enclosing copies of your I.C.C. No. 1222 and Advice No. 1828 that we returned to you with my letter of the 30th ult., received and has my attention.

"In reply, would say that I have before me your message of March 23, 1918, to the Commission, and the Secretary's reply of March 25, 1918, and it does not appear that either under these messages or under those from and to Mr. McCain quoted in your letter, any authority is extended for increasing rates on pulpwood in excess of one cent per 100 pounds, permitted by the Commissioner's Order of March 12, 1918, in *Ex Parte* 57.

"It is true that in your I.C.C. No. 1133, naming rates on lumber and other articles taking lumber rates, that pulpwood is not specifically named but



12 GEORGE V, A. 1922

wood pulp boards are named, and the tariffs of other carriers in your territory do include pulpwood as a forest product. In this connection see Central Vermont Railway I.C.C. No. A-4268, item 5, page 8, and other tariffs that I might mention.

"It is noted also that, in your I.C.C. No. 1133 wood pulp is named as taking lumber rates, which certainly is a product more remote from the forest than the pulpwood itself.

"The statements given in your letter have been given full consideration and you are advised that the Commission may not accept these tariffs for filing for the reason they assume to increase rates more than one cent per 100 pounds. Copies of the schedules recited in the first paragraph of this letter are, therefore, herewith again returned."

It therefore appears that the contention of the applicants that pulpwood is a "forest product" received in the two instances referred to in the first of the above quoted letters, a favourable construction, but there is no definite ruling of the Interstate Commerce Commission having primary jurisdiction over the American rates, which places the general question as to its applicability to the American railways involved, without question, so as to justify this Board in treating the question as one beyond doubt or dispute. The concluding paragraph of the letter from the Interstate Commerce Commission, of January 13, last, to the Board, indicates the restriction, or limitation, I have referred to."

The same question having arisen on a complaint to the Board by the West Virginia Pulp and Paper Company (Board's file 26901.11) it is pertinent to what is involved to refer to the letter, March 7, 1921, and a copy enclosed therewith of letter November 19, 1918, from the Delaware and Hudson Railway Company, as indicating the views of the American railways, as to the construction to be placed upon I.C.C. Order No. 57, and this Board's Special Permission 76:—

"Your letter of March 3 referring to mine of September 16, 1918.

"Attached is copy of letter from Mr. W. G. Storey, Assistant General Freight Agent of the D. & H. dated November 19, 1918, from which you will note that the carriers in Trunk Line territory gave the matter careful consideration and decided that pulpwood was a forest product and that an increase of one-cent per 100 pounds should apply. Furthermore, the Norfolk and Western advanced their rates on pulpwood to Luke, Md., and Piedmont, W.Va., under the 15 per cent decision the full 15 per cent not recognizing the 1 cent maximum advance. The tariff was afterwards corrected to a maximum advance of one cent and refund of the overcharge caused by their overlooking the one cent maximum is being handled by the Interstate Commerce Commission under their informal dockets 70073, 70203 and 72099."

(Enclosure)

Delaware and Hudson R.R.

"Referring to your letter of November 11, file 533-Can., relative to advance of 1 cent per 100 pounds, in all commodity rates on pulpwood under the 15 per cent increase.

This question was given careful consideration by the Trunk Lines and it was decided that pulpwood was a forest product and increase of 1 cent per 100 pounds should apply."

The distance from Causapscal, Que., where shipments in question originate, to Hudson Falls, N.Y., is 608 miles—the movements being via St. Lambert, to Rouse's Point, N.Y. (a distance of 450 miles) thence 158 miles to Hudson Fall, N.Y. Of the 450 miles Canadian haul, 407 would be on the Canadian Government Railways, over which the Board exercises no jurisdiction, and which railway was not before us at the hearing, and 43 miles on the G.T.R., thence Delaware and Hudson to Hudson



## SESSIONAL PAPER No. 20c

Falls, N.Y. This Board, therefore, in any event, and apart from the construction of the American Railways, or the interpretation of the I.C.C. would only have jurisdiction over 43 miles of the Canadian haul.

From St. Joseph, Que., the alternative routes would be—

|   |           |
|---|-----------|
| To Rouse's Point, N.Y. via Sherbrooke, G.T.R. and |           |
| St. Lambert, Que., G.T.R.... ..                   | 243 Miles |
| Rouse's Point to Hudson Falls, N.Y. (D&H).... ..  | 158 "     |
|   | <hr/>     |
|   | 401 "     |

or

|   |       |
|---|-------|
| St. Joseph, Que., to Rouse's Point, N.Y., via Sherbrooke, |       |
| C.P.R. and Delson Jct. and N.J. Ry.... ..                 | 226 " |
| Rouse's Point to Hudson Falls, N.Y.... ..                 | 158 " |
|   | <hr/> |
|   | 384 " |

On the haul from Causapscal to Hudson Falls, N.Y., but 43 miles of total mileage of 608, is under this Board's jurisdiction as to rates. On the St. Joseph traffic, the larger mileage is in Canada. Excluding that part of the St. Joseph-Hudson Falls mileage, which is under the Board's jurisdiction, there would be on the two movements involved in the complaint (St. Joseph and Causapscal, Que., to Hudson Falls, N.Y.) a slight preponderance of the mileage in the United States.

The case, in its analysis, is very similar to that presented to this Board in re Complaint of Consolidated Gas Electric Light and Power Company of Baltimore, Md., against rates on bog iron ore charged by the Canadian railways (Board's file No. 3079.37), Judgments of the Board (1919), p. 402, in which the Assistant Chief Commissioner in delivering the judgment of the Board, and after reciting the expressed attitude of the Interstate Commerce Commission, as reported in a number of cases there cited as regards distribution of jurisdiction between that body and this as regards the portions of the interstate traffic falling within the jurisdiction of each, respectively, says, p. 411:—

"It will be noted that while in agreeing in the practice, the Interstate Commerce Commission in no way recedes from the position that as a matter of jurisdiction its powers to regulate the United States portion of the rate is absolute; and it has, in fact, from time to time so acted notwithstanding the informal *modus vivendi* above referred to"—and again, on the same page—

"The jurisdiction of the Interstate Commerce Commission over the haul within the United States is undoubted. What is involved is the determination of the meaning and application of a United States tariff basis, which, as a matter of reciprocity has been made applicable on the movement from Canada to the United States."

This view is distinctly apposite to the present case, and I concur in and adopt it. It is specially applicable when the wording of the Board's Special Permit No. 76 is considered. As I read it, that permit by this Board is absolutely limited in its effect by such construction or interpretation as the Interstate Commerce Commission give to the tariffs of the United States railways. There is, in my view, in the informal opinion of the Interstate Commerce Commission herein quoted, in its interpretation as applied to the Bangor and Aroostook Railway tariffs, in the statement from the Delaware and Hudson Railway and in the several quoted letters from other American railways, evidence supporting the contentions of the applications as to the interpretation to be placed upon the tariffs in question. I do not say that while indicative, it is conclusive of the opinion the Interstate Commerce Commission might hold in considering the whole question here involved in its application to the United States railways tariffs within the jurisdiction of that body. I think it is



proper that in view of the principles involved, upon which the Board has stated a definite opinion, expressed above, the interpretation of the American tariffs should rest with the Interstate Commerce Commission, and that the applicants should be referred (as in the Bog Iron Ore Case) to the jurisdiction of the Interstate Commerce Commission for the remedy within that jurisdiction. If, after invoking and exhausting that jurisdiction, as regards the matters referred to it for its decision, any further action or remedy within this Board's jurisdiction is necessary, written submissions may be made, which can be considered, when necessary, with and as part of, the present case, which may be permitted to remain in suspense pending any further submissions as above indicated.

No order is now necessary.

#### CLASSIFICATION OF AGRICULTURAL IMPLEMENT PARTS

*Judgment, Assistant Chief Commissioner McLean, March 21, 1921, concurred in by the Chief Commissioner.*

Supplement No. 16 to Canadian Freight Classification No. 16 has been gone into in conference with the shipper's representatives, and the submissions made have been considered.

A copy of the conference memorandum was supplied to Mr. P. G. Denison, Manager of the Transportation Department of the Winnipeg Board of Trade. The Board is advised by Mr. Denison that the principal points his clients were interested in were taken care of, and, under the circumstances it would be quite in order to withdraw the formal protest of the Winnipeg Board of Trade against the supplement.

Mr. S. B. Brown, the Assistant Manager of the Transportation Department of the Canadian Manufacturers' Association, advised that his understanding is that there are no contentious questions in the Supplement to be considered by the Board. Mr. Tilston, on behalf of the Montreal Board of Trade, advises to the same effect.

In a letter from Mr. T. Marshall, Manager of the Traffic Department of the Board of Trade of the city of Toronto, dated February 14, 1921, it is stated that the only qualification he has to make in regard to the matter as having been satisfactorily adjusted is that he had understood that item 10, page 47, of the proposed supplement, was to have been amended so as to provide that a distinction would be made between the rear and front axles of self-propelling vehicles in accordance with the ratings provided, the front axles being carried at ratings of 3rd class L.C.L., and 5th class C.L.; the higher rating to apply on the rear axles with attachments. This is taken care of in a further revision of the supplement, it being provided that front axles, loose or in packages, are given a rating of 3rd class L.C.L., and 5th class C.L. On these submissions the supplement is now in shape for approval.

The Board is in receipt of a telegram from the Canadian Explosives, Limited, urging the sanctioning of the supplement. It is stated that the new supplement provides for a rating on safety fuses, 1st class L.C.L. and 3rd class C.L. (the latter being a new rating), and desires that the matter be put through as promptly as possible. A communication has also been received from Mr. Tilston of the Montreal Board of Trade on behalf of other interested shippers.

What is involved in the application of the Massey-Harris Company is a distinction in rating between agricultural implements and agricultural implement parts. At present the only specific ratings contained in the classification dealing with agricultural implement parts are to be found in the hardware list, the items in question being: Knives (mower and reaper); plough castings, mold boards, points, shares or wings; teeth (cultivator); teeth (drag); teeth (harrow); teeth (rake); teeth (thresher). With the exception of teeth (cultivator), which is rated 4th class in carload shipments, the other items are rated carloads 5th class. There is no provision for agricultural implement parts under the agricultural implement list.



## SESSIONAL PAPER No. 20c

The railways have now specifically set out under 5th class rating in carloads, in the agricultural implement list, the various agricultural implement parts carried. They contend that while they have not hitherto so specified all the articles, that the proper rating was in general 5th class; and it is further contended that in the absence of a specific rating that the rating of the agricultural implement parts which were specifically mentioned would govern, and therefore, 5th class would apply.

The Massey-Harris Company states that while parts for agricultural implements as such were not included in the agricultural implement class, it has been the practice in the past of this company, and of other companies manufacturing agricultural implements, to ship mixed cars of agricultural implements and parts at 6th class rating, there being no limitation as to the amount of implement parts entering into the mixture. In other words, it is alleged that there has been accorded in practice a 6th class rating to agricultural implement parts. Mr. Ransom states that this has not been done with the knowledge and agreement of the railways. It has, however, not been the practice of the railways to inspect cars which were described on the bills of lading as agricultural implements; that is to say, when the car was billed as containing agricultural implements, this was taken as conclusive, and further investigation was not made as to the contents of the car in respect of a mixture of agricultural implement parts.

It is contended by the Massey-Harris Company that it is anomalous to have spare parts on a higher rating than the implements of which they form repair parts. This opens up a wide field of discussion which would be more apposite in connection with a general consideration of the question of classification. It may be mentioned in passing, that spare machinery parts are classed higher than the machinery itself.

As to the mixing of agricultural implement parts and agricultural machinery, item 10, page 65, of Classification No. 16 provides that mixed cars which also contain articles rated higher than 6th Class C.L., are subject to rule 2, and this is the mixing rule which gives a different rule of practice east of Port Arthur as compared with shipments from points east of Port Arthur to Port Arthur and west, and between points west of Port Arthur.

East of Port Arthur, when articles of different classes are mixed, the highest rate and highest minimum car-load rate applies. West of Port Arthur the mixing is not allowed under different distinctive headings; and it is further provided that when articles under one distinctive heading of the same class C.L. are mixed, the car-load rating and highest minimum weight of such class will apply. So far as the classification is concerned, the mixing on shipments from east of Port Arthur to west of Port Arthur, and between points west thereof, of agricultural implement parts at 6th class, and of agricultural implements at 5th class, said articles being under distinctive headings, is not permitted. There is, however, a tariff practice dealing with the mixing of agricultural implement parts up to twenty-five per cent of the billed weight.

From the east to the west this mixing is permitted by tariff provision. Item 10, page 30, of Ransom's Tariff No. 5D, C.R.C., No. 61, reads as follows:—

“Agricultural Implements, taking 6th class in straight or mixed car-loads, and articles described in item 8 (as amended by supplement), page 65 of Canadian Freight Classification No. 16, farm wagons, farm carts, farm sleighs, bob sleds, windmills, windmill towers, sprayers (field or orchard, horse-drawn), straight or mixed car-loads (see note) minimum weight:—

“Engines and threshers .....20,000 lbs.

“All other articles specified above .....24,000 lbs.  
(file 1393)

“NOTE.—Agricultural implement parts or parts of farm wagons, farm sleighs, bob sleds, made of iron, steel or wood, not to exceed 25 per cent of billed weight, may be included with above at same rate.”



12 GEORGE V. A. 1922

As pointed out, this tariff practice applies on shipments from east to west. The Board is advised that when Supplement No. 16 goes into effect the railways are prepared to publish a tariff providing for the inclusion of agricultural implement parts with carloads of agricultural implements at 6th class not to exceed 25 per cent of the billed weight; in other words, to extend to shipments between eastern points the application of the arrangement now existing from eastern to western points.

It is apparent that the tariff provision as to mixing, set out, is a modification of and reduction from a provision of the classification.

There is a disagreement of record as to what was agreed upon at the conference. Among the shipper's representatives present at the conference in Montreal were representatives of the following agricultural implement companies: The Frost and Wood Company, Limited; the Massey-Harris Company, and the International Harvester Company of Canada. In the memorandum of the proceedings of the conference, as submitted by Mr. Ransom, and which, as has been pointed out, is agreed upon by Messrs. Brown, Marshall and Tilston, as correctly representing the agreements arrived at, the following is set out as dealing with this portion of the matter:—

*"Pages 12 to 16 inclusive:* Owing to protests received from the western Boards of Trade against the elimination from the hardware list of the agricultural implement parts now provided therein it was understood that the parts now carried in the hardware list would be continued therein.

*"The agricultural implement manufacturers asked for 6th class rating on agricultural implement parts in carloads, which the carriers were not prepared to concede, and after considerable discussion, they (the carriers) made the following suggestion: That commodity tariffs applying between points in Eastern Canada be issued providing that agricultural implement parts shown in Supplement 16 to Classification 16 and agricultural implements as shown in Classification 16 would be accepted for transportation in mixed carloads at the rating applicable on agricultural implements, provided that the weight of the parts did not exceed 25 per cent of the gross weight of the shipment and they would suggest to the Western Lines that they issue a similar commodity tariff to apply between points in Western Canada. This proposition was finally accepted by the manufacturers' representatives without in any way prejudicing the carload rating on agricultural implements in the classification.*

*"While the question of rates to the Northwest is not involved in this supplement the matter was brought up and it was suggested by the manufacturers that in order to increase the loading of cars to the Northwest amendment be made to C.F.A. Tariff 5-D, providing for a greater proportion of agricultural implement parts when in mixed carloads with shipments. The carriers agreed to give this matter their careful consideration.*

*"With the above understanding the present ratings and description shown in supplement (with the following minor changes) were allowed to stand:—*

*"Page 12, item 32—Aprons:*

*"Change L.C.L. rating to 2nd class.*

*"Page 15, item 10—Change to read:*

*"Poles:*

|                              |               |             |
|------------------------------|---------------|-------------|
| <i>"Wooden, finished :</i>   | <i>L.C.L.</i> | <i>C.L.</i> |
| <i>"Loose or in packages</i> | <i>2</i>      | <i>5"</i>   |

On the other hand, under date of February 21, 1921, the following communication was sent to Mr. Ransom by the assistant general manager in charge of sales, of the Massey-Harris Company, Limited:—



## SESSIONAL PAPER No. 20c

"We gather from an intimation from Mr. Brown, the assistant manager, transportation department, of the Canadian Manufacturers' Association, that there may be an understanding on your part that our company is agreeable to the suggestion offered with regard to a temporary classification of repair parts for agricultural machinery as fifth class, pending a general discussion of the new proposed Classification No. 17.

"The writer regrets that he and Mr. Wedd, manager of our shipping department, were unable to stay over for the second day's consideration of this subject at Montreal, but we left with Mr. Brown, of the Manufacturers' Association, a letter which we expected would definitely indicate to your committee that we could not agree to the proposal of fifth class, even as a temporary classification, of spare parts in carload lots and will press for a continuance under definite authority of the classification for a condition that has existed with a knowledge of the carriers for so many years, namely, that spare parts should move in mixed cars or straight carload lots in the same classification as agricultural implements themselves.

The protest from the Massey-Harris Company is supported by a telegram from the International Harvester Company of Canada, asking that they be allowed to become a party to the protest and be given an opportunity to produce evidence, as it was impossible for them to be present at the sittings of the Board here on Tuesday, March 15. They were advised by wire that the case was going on on Tuesday, March 15, and they were to submit their case in writing if they were unable to be present. Such submission has not been received.

As the matter presents itself to me the 5th class rating involved is in accord with the ratings now effective on the implement parts specifically mentioned, and as a matter of construction of the classification, my understanding is that the rating of 5th class would apply at present on implement parts specifically mentioned.

I am not disregarding the contention of the Massey-Harris Company that it has been allowed to mix agricultural implement parts with agricultural implements on a 6th class rate and without limitation as to the percentage of mixture. As already set out, no classification authorization for this arrangement is provided. The Massey-Harris is in effect applying for a reduction from 5th class carload to 6th class carload on agricultural implement parts. This is an application for a revision of the classification rating which has for some time been operative. As has been pointed out, the special tariff provision allowing a 25 per cent mixture of agricultural implement parts is a substantial concession from the rigidity of the classification rule. The recommendation as to the application of the tariff between western points is also to be noted.

At the sittings of the Board on March 15 there was also before it an application of the Rubber Association of Canada for revised ratings on rubber tires and tubes. This application was launched on November 30, 1920. What is asked for in general is a reduction in the ratings of rubber tires and tire tubes, it being stated that the applicants are agreeable to conceding an increase in the minimum weight on rubber tires. The rating at present is 2nd class C.L. with a minimum of 16,000 pounds. The applicants ask for a 3rd class rating C.L., on rubber tires, loose or in packages, and concede to a minimum of 20,000 pounds. This is an application for a reduction in the classification which has apparently developed independently of the proceedings in connection with Supplement No. 16, and will have to be dealt with separately.

I am of the opinion that order should go approving of Supplement No. 16 to Canadian Freight Classification No. 16.



TELEPHONE TOLLS, BELL TELEPHONE COMPANY, FOR SERVICE IN ROCKLIFFE

*Judgment, Assistant Chief Commissioner McLean, May 16, 1921, concurred in by the Chief Commissioner and Commissioner Bayce.*

Correspondence has taken place from time to time with reference to telephone rates applicable in the police village of Rockliffe, which is adjacent to the eastern boundary of Ottawa in the area near the Ottawa river. Telephone development in Rockliffe embracing some seventy-two telephone subscribers is, as presented, one which is not primarily concerned with a use limited to the locality, but, rather, a use concerned with the utilization of telephone development of the city of Ottawa. The telephone charges for those resident in the police village of Rockliffe are made up of the Ottawa rate, plus excess mileage charges. The method by which these rates are built up is gone into in detail further on.

Subsequent to the correspondence already referred to, the Telephone Company, in November, 1919, applied to the village of Rockliffe a new telephone rate known as a "locality" rate. As explained by the company, instead of applying the ordinary mileage charges computed on route measurement from the exchange limits, there was applied a locality rate based on an average of one-half mile excess applying alike to all subscribers within the area above defined. In other words, instead of having an excess mileage charge according to the situation of the subscriber, one-quarter, one-half or three-quarters of a mile, etc., beyond the city of Ottawa, an average of one-half mile was taken. The effect of this on the company's revenues from excess mileage as set out by the company is as follows:—

Police Village of Rockliffe—

|  |          |
|--|----------|
| Total number of Rockliffe subscribers. 72. |          |
| No change in rate..                        | 28       |
| (a) Decrease in rate..                     | 34       |
| (b) Increase in rate..                     | 10       |
|  | <hr/>    |
|  | 72       |
| (a) Decrease in rate—                      |          |
| 9 subscribers at \$11..                    | \$ 99 00 |
| 25 subscribers at \$5.50..                 | 137 50   |
|  | <hr/>    |
|  | 236 50   |
| (b) Increase in rate—                      |          |
| 10 subscribers at \$5.50..                 | 55 00    |
|  | <hr/>    |
| Net revenue reduction..                    | \$181 50 |

Following the filing of this "locality" rate, complaint was made on behalf of the trustees of Rockliffe that the existing rate was excessive as compared with the rates charged in Ottawa. It was stated that under the increase allowed under the Board's judgment of 1919 the rate for the individual resident subscriber in Rockliffe was \$38.50 per annum as against \$27.50 charged in Ottawa.

The matter was listed for hearing and stood until a later date to suit the engagements of counsel.

The matter was subsequently heard and has stood for decision pending decision in the general telephone application.

The rates charged in Rockliffe were built up on the Ottawa city rate plus excess mileage beyond. The tariff provides for excess mileage beyond the municipal limits of Ottawa as of April 4, 1912. This agrees with the existing eastern boundary of Ottawa. Before the increase in 1919, the excess mileage charge applicable in Rockliffe was \$20 per mile, or \$5 per quarter mile. Up to the eastern boundary of the city of Ottawa, the resident in Rockliffe had the advantage of the Ottawa rate, and if resident within one-quarter mile beyond would pay \$5 and so on, according to the mileage.



## SESSIONAL PAPER No. 20c

When the 10 per cent increase was allowed in 1919, the residence rate became \$27.50, and adding 10 per cent to the excess mileage rate a rate of \$22 or \$5.50 per quarter mile was obtained. Under this arrangement, said rate of \$27.50, plus \$5.50, or \$33, would apply for the quarter mile; \$38.50 for one-half mile, and \$44 for three-quarters of a mile. The "locality" rate which was filled and which was taken exception to is \$38.50.

## II.

When telephone development in Ottawa began and for a considerable period thereafter, there was only one exchange which is now known as the Queen Exchange. It is in a central position and may for the purposes of comparison and measurement be taken as the central point in Ottawa. The total length of circuit from said exchange to the eastern boundary of the city, which circuit the telephone user in Rockcliffe would have the advantage of on the flat rate is, with the exception of one subscriber, 8,818 feet; in the case of the one subscriber, 9,258 feet. Of this, 2,800 feet are aerial cable in Ottawa and 6,018 feet underground cable in Ottawa in each case, with the exception of the one subscriber already referred to, who had 3,275 feet of aerial cable and 5,893 feet of underground cable, these measurements in each case being to the eastern boundary of the city. That is to say, in point of equipment required for carrying the message within the city of Ottawa, each subscriber in Rockcliffe made use of the maximum length of construction from Queen Exchange to the eastern boundary of the city. Of course, many of those resident in Ottawa and connected with the Queen Exchange had a much shorter wire mileage.

In the case of the Rockcliffe subscribers, the average excess mileage beyond the eastern boundary of the city of Ottawa is 2,636 feet. The total circuit outside of Ottawa varies from 139 feet to 5,200 feet. The length of drop wire varies from 80 feet to 1,900 feet; the length of aerial cable varies from 525 feet to 3,600 feet.

## III

In attacking the existing basis of rates, counsel for the applicants, in a letter on file, says:—

"It seems perfectly unreasonable that because of a surveyor's imaginary line, irrespective of distance, and where the distances are nearer, that a public service corporation should be permitted to charge a higher rate for that service. It is a service which we pay for, not a surveyor's line. The question is, what is the service worth and for what is the same service charged elsewhere."

In the course of presentation, counsel stated that the applicants would not mind paying a reasonable increase, but thought that it was absurd that they should be asked to pay a rate such as asked for; this turning, as presented by Counsel, on a question of a surveyor's imaginary line.

## IV

So far as the excess charges are concerned, the matter as presented fell under two headings: (1) that it was unreasonable to have the rate measured by a delimitation depending upon a surveyor's line; and (2) if applicants are to pay excess charges these should be based on particular conditions. It was suggested that while the rate of \$20 per mile, subject to increase since made, might be reasonable when there was only one subscriber involved in the service, necessitating a full mile of construction for this work, that it was not a reasonable matter to put all on the same basis where there was a situation as, for example, that one line could serve five.

The argument that it is unreasonable to have excess mileage running from a point determined by the eastern boundary of the city of Ottawa, the surveyor's line referred to, implies that the village of Rockcliffe should have the same rate as the city of Ottawa.



Telephone rates in cities and municipalities have been built up on a zone basis. The nature of the telephone business in local service is such that it would be difficult, if not impossible, to grade all local exchange service on distance, and it is probable that if a scale of rates graded on distance were worked out the situation in practice would be an unworkable one. It is the practice, then, of telephone companies to define certain areas within which the flat rate applies. This may be worked out at a certain distance from the Exchange, or it may be worked out as delimited by the boundary of the municipality. In this case, the eastern boundary of the city of Ottawa applies.

It is, of course, obvious that in applying a zone rate there has to be some point of demarcation, because if mere proximity to a section enjoying a certain zone rate is to be taken as a reason for extending that zone rate into the adjacent section, then the same line of reasoning might be urged for further and further extensions, bringing about an admittedly absurd situation.

In the city of Ottawa, a relatively high telephone development has been worked out, and the rates within that area have been built up not with a view to the cost of construction of a particular line, but with a view to an average; and as already pointed out the telephone users beyond the eastern boundary of the city of Ottawa located in Rockcliffe are in the position of using within the city of Ottawa a circuit equal to the longest used in the eastern part of the city of Ottawa by the telephone user resident therein and calling up the telephone exchange.

## V

On April 26, 1911, the Board had before it the application of the town of North Toronto requiring the Bell Telephone Company to reduce its tolls for residence and business to the same rates as applied in the city of Toronto. North Toronto was a separate municipality with about 157 telephones. These rates as charged were the Toronto rates, plus the excess mileage from the nearest exchange. The nearest exchange was North Exchange at the corner of Haydon and Yonge streets.

The rate to North Toronto was based on the city of Toronto rate, plus the excess mileage computed from a point one-half mile air line from the North Exchange. Counsel stated that his instructions had been to apply for the Toronto rates to be made applicable to North Toronto, but on looking into the matter he could not see that he could sustain the contention; at the same time he urged that the existing disparity in rates was too great.

The matter was dealt with in an oral judgment of Chief Commissioner Mabee. In the course of discussion, it was pointed out by the Chief Commissioner that if the people of North Toronto were not in touch with the Toronto Exchange there would have to be a separate toll for connection with Toronto, and that might work out disadvantageously to them. It was pointed out by the company that what was wanted by the residents of North Toronto was not a local service but connection with the city of Toronto. The one-half mile distance from the North Exchange, as the point from which the mileage was to be computed, was the average length of all the city lines at the time the rate was established. As a result of a subsequent inventory taken by the company, a readjustment was made whereby the excess mileage would be computed from a point .75 of one mile from the North Exchange.

In dealing with the matter in his oral judgment, the Chief Commissioner asked counsel for the applicant why, aside from the question of the amount of excess mileage charge, it was not reasonable to take the average length of the city's line as the starting point for the excess mileage charge. Counsel admitted that there had to be taken into account the fact that the subscriber resident in North Toronto got the advantage of all the city's exchanges. It was held by the Board, as set out in the judgment of the Chief Commissioner, that the proposition as made was fair, and that the telephone company was putting the user outside the city limits as nearly as could be on the same basis as the user within the city limits.



## SESSIONAL PAPER No. 20c

In addition to the case above referred to, in which the principle of having excess mileage charges was approved of, other cases have also brought up the same matter.

In the case of *Dominion Park, Montreal vs. Bell Telephone Company*, Board's File 10501, in which judgment was rendered April 27, 1910, excess mileage charges were recognized by the Board as an existing practice.

In the *Nelson Case*, Board's File 13219, which was decided March 24, 1910, it was held by the Board that the extra mileage charged to Westboro was to be computed from the city limits of Ottawa as then existing.

In the *Montreal Telephone Case*, 15 *Can. Ry. Cas.*, 118, which was decided in 1912, the excess mileage computation was recognized.

In the second *North Toronto Case*, File 21617, in which decision was given March 8, 1913, there was an application, *inter alia*, to extend the flat rate of the city of Toronto to North Toronto which had recently been annexed to the city of Toronto. Although there was a considerable development in the section in question, it was held that the Board was not justified in directing the Toronto rates to cover North Toronto. Direction was given that the excess mileage should be computed from the city limits as they were January 1, 1911.

The matter was also before the Board on September 10, 1918, Board's File 3574.205, in the matter of the complaint of Mr. J. A. Seybold, Ottawa, against increase in rates for telephone service to Kingsmere, Que., from \$135 to \$197 per annum. What was here involved was the substitution of the actual rate measurement for the aerial line basis hitherto existing. No exception was taken by the Board to the practice of having excess mileage charges.

While, as it appears to me, the material thing is the ruling of the Board as set out, *e.g.*, in the first North Toronto case, that it was reasonable and proper to have excess mileage charges, reference may also be made to the fact that excess mileage charges, where people living outside of a developed telephone area are desirous of obtaining not a toll rate service but a continuous service with the area aforesaid, are according to the general practice, both in Canada and the United States. Some years ago I had occasion to satisfy myself of this.

Without developing the matter in detail, it may be noted that the Nova Scotia Board of Commissioners of Public Utilities, by its decision of July 18, 1919, provided for classification of exchanges. Each of these exchanges was given a defined free mileage area varying from one-half mile to one and a half miles, with a special arrangement whereby in the case of Halifax there was free mileage allowed within the city limits and within one mile of Dartmouth Exchange. For those resident in the circuit beyond the limit of free mileage and desirous of obtaining local exchange service, the rate was built up of the local exchange rate, plus a defined excess mileage charge.

Effective July 31, 1920, the New Brunswick Board of Public Utilities in its classification of Exchanges Rates and Regulations for telephone service applicable to the New Brunswick Telephone Company, Limited, provided for a grouping in six groups free mileage of one mile from an arbitrary centre being allowed in each case; and it was further provided that mileage charges will be charged for all local exchange service stations located beyond one mile air line distance from the central office or arbitrary centre of population in each exchange, measurements being based on circuit distance.

## VI

As already indicated, counsel for the applicants was of opinion that if there was to be an excess charge it should not be based upon a general excess mileage scheme but should be correlated to the particular conditions of the locality affected. The system of excess mileage charges in vogue prior to the increase in rates recently allowed, which increase is applicable on excess mileage charges as well, was one, in the case of points served from the Ottawa Exchange but beyond the free area, of \$5.50 per quarter



mile. This rate is applicable for a single-party line in Toronto, Montreal, Ottawa, Quebec. All other exchanges had a charge of \$4.40.

The Rockliffe plant has been constructed at various periods. The following material averaged on prices existing 1912-17 has been submitted showing the investments of the Bell Telephone Company in Rockliffe police village, and has been subject to check by the Board's Electrical Engineer:—

INVESTMENT ROCKLIFFE POLICE VILLAGE, ONT.

| Outside Line Plant   | Cost       |
|--|------------|
| <i>Pole Lines, consisting of—</i>                          |            |
| 5.25 ft. poles   |            |
| 139.30 " "   |            |
| 21.35 " "  |            |
| Anchors, guys and other attachments.. . . .                | \$1,555.31 |
| <i>Wire, consisting of—</i>                                |            |
| 25,600 ft. twisted pair rubber insulated.. . . .           | 592.00     |
| <i>Aerial Cable, consisting of—</i>                        |            |
| 2,120 ft. 15 pair No. 22 gauge                             |            |
| 1,420 " 25 "   |            |
| 2,825 " 25 " No. 19 "                                      |            |
| 2,260 " 50 " No. 22 "                                      |            |
| 1,525 " 50 " No. 19 "                                      |            |
| 620 " 100 " No. 19 "                                       |            |
| With messenger, terminals, etc.. . . . .                   | 3,175.33   |
|  | <hr/>      |
|  | \$5,322.64 |
| Drop wires, sub-station equipment and installation.. . . . | 1,624.61   |
|  | <hr/>      |
|  | \$6,947.25 |

It is further stated that there is an item covering cable, wire, etc., erected since 1913, amounting to \$578.93, which has been omitted. It does not appear necessary for the purpose of the computation made below to include this figure. In the total as given above, the item of drop wires, special station equipment and installation, amounting to \$1,624.61, enters into the total of \$6,947.25. In order to get at the plant and investment figures, the item covering drop wires, special station equipment and installation is omitted, as these items are constant and are not related to the mileage charge. At the same time, in making up an exact computation they constitute an item in connection with which the question of expenses and revenues should be considered.

Taking the plant and investment figures located in Rockliffe village at \$5,322.64, the detail available shows some seventy-three lines in use with an average investment per line of \$72.90. As two wires are necessary for a telephone user, the mileage of circuits in use within the village of Rockliffe is a material factor. This amounts to 45 miles. This would give an average investment per circuit mile of \$118.26. There are some twenty-seven spare pair conductors in the main cable. The cost, however, in this connection is not used as a corrective factor in obtaining the average cost per mile of circuit.

The company submits that against the \$5,322.64 of investment, there are annual charges of approximately 21.1 per cent, or \$1,123.08. This percentage is made up of depreciation, repairs, administration, taxes and interest. While it would appear proper to allocate to the investment a proportion of the operating costs, this is not done.

In the recent judgment of the Board, it was held that as an emergency depreciation rate 4 per cent should be made use of. For repairs, the company gives a figure during 1919 of 5 per cent.

It states that the aerial repairs for 1920 on the average aerial plant was 6.388 per cent.

The current maintenance charges during 1920 averaged against the average plant in service in December, 1920, checks out at 6.31 per cent.



## SESSIONAL PAPER No. 20c

Administration is given as 1 per cent. This on the basis of the figures for December, 1920, for general expenses checks out at .93 of 1 per cent. Taxes are shown at 1.5 per cent. This amounts to \$71.76. Interest is included at 6 per cent.

Under the Board's judgment, it was held on the evidence of the witnesses upholding the application that 8 per cent was a reasonable dividend. It was further held that a surplus of 2 per cent was not unreasonable.

The following figures may, therefore, be used:—

|                          | Per cent |          |
|--------------------------|----------|----------|
| Depreciation.. . . . .   | 4        | \$212 94 |
| Repairs.. . . . .        | 5        | 266 18   |
| Administration.. . . . . | 0.93     | 49 50    |
| Taxes.. . . . .          | 1.5      | 71 76    |
| Dividends.. . . . .      | 8        | 425 89   |
| Surplus.. . . . .        | 2        | 106 45   |

The revised charges as computed above come to \$1,132.55 annually.

As set out in the company's letter, the revenue from the excess mileage charges computed on the one-half mile basis under the "locality" rate amounts to \$792, less \$25 which is paid to the Ottawa Electric Company for contract space on its poles.

The reduction in excess mileage as a result of applying the locality rate amounts to \$181.50. There is, therefore, deducting the \$25 referred to, \$968.50 of excess mileage revenue to check against costs as given above. If to the \$968.50 there is added 12 per cent, this gives a revenue from excess mileage charges of \$1,084.72 to check against the costs as already given.

## VII

The exchange tariff at present applies within the municipal limits of Hull, Que., and Ottawa, Ont., as they existed as of April 4, 1912. Outside of the base rate area as so defined excess mileage applies

In the course of the hearing counsel for applicants referred to the fact that a telephone user in Hull had the Ottawa Exchange service without any excess mileage; and this was referred to as being the measure of the discrimination existing against Rockcliffe.

Counsel for the telephone company stated that in the days of exclusive agreements the Telephone Company had an agreement with Hull; that this dated back as far as twenty-five years. Under this agreement, Hull was to enjoy the Ottawa rate. The agreement was not renewed on its expiration. It was also pointed out that it is only in recent years that there had been a rapid development in Hull, and that the existing number of subscribers did not justify opening an exchange in that city. The situation was stated to be one which the company was considering, but no conclusion had been arrived at as to whether there would be a separate exchange in Hull with a toll rate to Ottawa, or whether there would be an exchange with a re-arrangement as to rates.

In so far as an agreement is relied upon as a justification of a difference in treatment, this is not justifiable if the difference in treatment amounts to an unjust discrimination. As was stated in the *Regina Board of Trade Case*, "The 'circumstances and conditions' which if not substantially similar may justify different treatment to different points, I think must be traffic circumstances or traffic conditions; not circumstances and conditions which may be artificially created by contract". *Regina Board of Trade vs. Canadian Pacific and Canadian Northern Ry Cos.*, 11 Can. Ry. Cas. 380, at p. 391.

If the terms of an existing agreement do not justify such a difference in treatment as amounts to unjust discrimination or undue preference, the case is still stronger where the agreement has expired and an arrangement entered into in the first instance in return for consideration simply continues as a practice.



12 GEORGE V, A. 1922

The Telephone Company has extended the base rate area so as to cover the municipal limits of Hull as they existed as of April 4, 1912. The maximum distance, air line, from Queen Exchange to the Hull city limits at present covered by this tariff is 17,300 feet; that is to say, the Telephone Company holds itself out as prepared to give a telephone service without any excess mileage charge within this distance in the city of Hull.

The city of Hull is separated from the city of Ottawa by the Ottawa river. The police village of Rockliffe is adjacent to the city of Ottawa, and the eastern boundary of Ottawa is for some distance coterminous with the western boundary of Rockliffe.

In the *city of Montreal vs. Bell Telephone Co.*, 15 *Can. Ry. Cas.*, 118, at p. 139, the situation was that a flat rate was extended to Montreal West, a separate municipality, while a similar arrangement was refused a section of the Montreal Exchange territory situated at a similar distance from the Main Exchange. It was held that the existing arrangement was discriminatory; and it was further set out:—

“Whatever be the exact distance from the Main Exchange to the furthest point of Montreal West which is given the flat Montreal rate, this distance should be taken as the radius of the zone to be described, with the Main Exchange as a centre from the west to the east of Montreal Exchange territory as at present constituted, and within the zone so determined the Montreal flat rates should be made applicable.”

In the present instance, what is involved is the difference in treatment between one municipality outside the corporate limits of Ottawa, the city of Hull, as compared with the police village of Rockliffe, another municipality outside of the city of Ottawa. The difference in treatment, in my opinion, amounts to an unjust discrimination. So long as the city of Hull is continued within the limits of the territory connected up with the Ottawa Exchanges and not subject to any excess mileage, similar treatment should be accorded to Rockliffe within the distance limited by the maximum air line distance from Queen Exchange to the boundaries of Hull as of April 4, 1912.

The police village of Rockliffe is a residential area which, for the purpose of telephone service is separate and distinct from the county. The various sections comprised within its area are less distant from the Queen Exchange than are the extreme limits of the city of Hull, as above referred to.

The readjustments necessitated by the finding above referred to should apply to the village of Rockliffe as at present constituted and extend no further at present. If and when the limits of the village, or whatever municipality may succeed it if there is a change in status, are extended up to a distance east of Queen Exchange equal to that now intervening between Queen Exchange and the Hull City limits as of April 4, 1912, this area will fall within the free territory of Rockliffe, or its successor, provided that the condition in respect of Hull service free from excess mileage, which is the measure of present discrimination, still exists.

The readjustment herein provided for should be effective on one day's notice.

#### FUEL DEALERS' ASSOCIATION OF GREATER WINNIPEG, *et al*, *re* REDUCTION IN RATES ON COAL IN WESTERN CANADA FROM APRIL 1 TO OCTOBER 1, IN EACH YEAR

*Judgment, Chief Commissioner Carvell, May 21, 1921, concurred in by the Assistant Chief Commissioner and Commissioner Rutherford.*

This case was heard by the Board at a sittings in the city of Winnipeg on the 27th day of April last, and, in substance, is an application on behalf of coal producers and coal dealers in the provinces of Alberta, Saskatchewan, and Manitoba for a reduction in freight rates of 20 per cent on coal from all collieries in Alberta and Saskatchewan up to and including the 31st day of August, 1921.



## SESSIONAL PAPER No. 20c

It was alleged by the representatives of the Drumheller district that the producers would make a reduction of 70 cents per ton during this period and by Mr. Walker, who represented the coal operators of northern Alberta, that they were willing to reduce their price by 50 cents per ton on the condition, of course, that the freight rates were reduced as requested. The dealers of Winnipeg and representatives of dealers in other western cities agreed to make a reduction of 50 cents in the distribution cost during the same period.

The proposal was objected to by the railway companies, and especially by Mr. Lanigan, of the Canadian Pacific Railway Company, on the ground, first, that no great amount of coal would be moved because of the friable character of the domestic coal of the Drumheller and Lethbridge districts, and, secondly because of his belief that the dealers would only stock up with coal during the last few weeks of the period and after the 1st of September sell for the old price.

So far as I am aware, we have no precedent for any such action, and, therefore, must approach the matter entirely anew and on the good faith of all the representations made at the hearing. The Board has power to order a reduction in rates by the railway companies, but has no power whatever over either coal producers or dealers, and, therefore, if anything be done, so far as these parties are concerned, they must be taken to be acting in good faith with the intention of loyally carrying out the undertakings which they have made and upon which this application was heard.

The application is made primarily, I presume, that the consumers in many of the western cities and towns will be able to receive somewhat cheaper coal than under present conditions, and, if this can be worked out without doing any great injury to any of the parties concerned, it is an object worthy of the most serious consideration of this Board, because the present price of Drumheller coal in Winnipeg, namely, \$15.60 per ton, is a very serious tax upon the ordinary householder and, when applied to steam coal, an equally heavy tax upon industries of all kinds requiring steam power—in fact so serious that it is doubtful if the Winnipeg market can be held for Canadian coal under these conditions.

Evidence was given as to the cost of labour in producing coal in the Alberta fields according to the instructions of Mr. Armstrong, representing the Department of Labour at Ottawa, who are the Fuel Controllers for District No. 18, and Mr. Dick, representing the coal operators of Calgary, stated as follows (p. 5716):—

“As I was going on to say with regard to labour, there is no doubt that the miner to-day is being paid out of all proportion to what skilled men are getting in other occupations. The minimum wage on the surface is \$7.20 a day, and \$7.50 a day underground. He works eight hours, from the time he leaves the surface until the time he gets back to the surface again. The miner averages \$12 a day, and many of them are getting over \$20 a day. We could remove a great portion of their argument if we could guarantee to them 300 days operations in a year. If that were the case, I venture to say the cost of coal would come down \$2 a ton at the mine below what it is to-day.”

It was also stated that the operators are under contract with the United Mine Workers of America at these wages until March, 1922.

In addition to the argument that cheaper coal might thus be available in Western Canada, it was strongly alleged that every ton of coal moved up to the end of August over and above the normal amount would release just so much equipment for use in the handling of grain thereafter, and it is this feature of the question even more than the question of cost that operates on my mind in arriving at a conclusion.

It is a well-known fact that, up to about two years ago, American coal was used almost exclusively in Manitoba and as far west as Regina or thereabouts in Saskatchewan. During the past year, the Government of the province of Alberta has



12 GEORGE V, A. 1922

been making a determined effort to capture the Winnipeg market. When American coal was used freely, wheat and coal became a well-balanced movement. Cars came to the head of the lakes loaded with wheat and returned with coal; whereas, under present conditions, if Alberta coal is to be used, both movements are in the same direction and empties must be carried from the head of the lakes to Alberta for the handling of both commodities, and, therefore, anything that will relieve the car situation in the months of September, October, and November is a matter of such great importance that I feel the Board is not only justified but should take action to endeavour to some extent at least to prevent a recurrence of the conditions experienced in Western Canada during the autumn months of 1920. It is alleged, and I believe truly alleged, that in very many cases, especially on the C. N. R. lines, farmers were unable to sell their wheat when they could have received from 50 cents to \$1.00 a bushel more than they afterwards received had the necessary equipment been available, but, as coal had to be provided, millions of bushels of grain were left in the elevators or in the farmers' granaries, which had to be disposed of at a later date at a greatly reduced price. It has been brought to my attention that a Bill is now before the United States Congress to provide for a seasonal movement of coal in that country very much along the lines of that suggested in this application. While I realize it may result in some slight loss to the revenues of the railway companies, yet I feel the application should be granted in part as an experiment with the earnest hope that it will produce the results claimed for it and which would be of such material benefit to both producers and consumers in Western Canada.

In arriving at this conclusion, I have not been able to convince myself that any serious financial loss will result to the railways. In the first place, it is well known that there are thousands of empty cars standing on sidings all over Western Canada to-day which could be used to some extent at least in this movement, and, again, I believe that coal can actually be moved from Alberta points to Winnipeg for 50 cents per ton less up to the end of August than it can be in the late autumn months.

I do not think, however, we would be justified in granting a 20 per cent reduction in the rates on coal, because it must be remembered that the maximum increase granted on coal by the general order of this Board, No. 208, in September last, was only 20 cents per ton, and, as the rate from the Alberta fields to Winnipeg runs from \$4.90 to \$5 per ton, the actual increase granted would amount to less than 5 per cent, whereas other commodities were increased 35 per cent up to the end of December and 30 per cent thereafter.

As before stated, this is being done entirely in the belief that both producers and dealers will loyally carry out their agreement, and, while this Board has no power over them, yet it will carefully check up conditions for the purpose of ascertaining the manner in which the arrangement is carried into effect, and, in arriving at this conclusion, it is to be understood that it is purely an experiment in the hope that the beneficial results hereinbefore referred to may materialize. It shall not be considered as a precedent for a reduction in the rates on coal or any other commodity in any other part of Canada, because the same conditions do not apply and there will not be, in fact there cannot be, the same equipment conditions elsewhere. Neither is it to be treated as a precedent for another year, and, unless the agreement is faithfully carried out not only as to the sale of coal up to the last day of August but as to the sale of coal transported under this arrangement sold after that date, future applications of this kind to this Board will be summarily dismissed.

For these reasons, I think an order should issue directing all the railway companies of Canada subject to the jurisdiction of this Board interested in the coal movement in the three prairie provinces to reduce all rates on coal from mines in Alberta and Saskatchewan to points in the provinces of Alberta, Saskatchewan, and Manitoba by 10 per cent, including coal actually billed out up to and including the 31st day of August next; the companies to file tariffs to this effect, effective on the 1st day of June next.



## STANDARD TRACK CENTRES

*Judgment, Assistant Chief Commissioner McLean, May 23, 1921, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Commissioners Boyce and Rutherford.*

As a result of investigations by the Board's officials, the following Circular No. 157 was issued:—

*"File 28290. Standard distance between track centres for construction of divisional points, terminal sorting yards and sidings.*

"The Board is considering the advisability of establishing a standard distance between track centres for the construction of divisional points, terminal sorting yards, and sidings, which will provide a safe and satisfactory clearance for the movements of trainmen and yardmen in the performance of their duties.

"Railway companies subject to the jurisdiction of the Board are requested to file their views upon the matter within thirty days from this date, stating what clearance, in their opinion, would provide the necessary room between moving cars for the men referred to while carrying on their work."

In response to this, detailed submissions were made by the individual railways, which were in accordance with the conclusions arrived at at a meeting attended by the Engineers of the Canadian Pacific, Canadian Northern, Michigan Central and the Grand Trunk Railway Companies. The recommendation which follows was a recommendation for a minimum distance between tracks for various uses, with the proviso that these recommendations should be applied to new construction.

|  | Feet |
|--|------|
| Main track.. . . . .   | 13   |
| Main and passing tracks.. . . . .                              | 13   |
| Main or running track and parallel yard track.. . . . .        | 13   |
| Receiving, Classification and Departure yard track.. . . . .   | 13   |
| Parallel Ladder tracks.. . . . .                               | 16   |
| Ladder and other tracks.. . . . .                              | 15   |
| Freight shed tracks (A.R.E.A.).. . . . .                       | 12   |
| Passenger Station tracks (without platform between) .. . . . . | 13   |
| Storage tracks.. . . . .                                       | 12   |
| Team tracks in pairs.. . . . .                                 | 12   |

A representation is on file from Mr. Murdock, Vice-President of the Brotherhood of Railway Trainmen, stating that on account of the increased or increasing size of cars and engines the distance between parallel ladder tracks in yards should not to be less than 14 feet centres. Other representations from the Brotherhood of Railway Trainmen to the same effect have been submitted.

The matter was set down for hearing on January 7, 1919. The Engineering Departments of the leading roads prepared a statement which was filed at the hearing and which reads as follows:—

"1. *Main tracks—13 feet centre to centre.*

"To place main tracks at a sufficient distance apart to render safe the occupation of the space between them by men during the passage of trains on both tracks would necessitate such a distance as to be altogether out of the question. This means that it will always be unsafe for men between tracks on main line and therefore the closer together the tracks can be placed with safety to the equipment, the less danger is there of men attempting to remain between them during the passage of trains. Thirteen feet is at present universal practice throughout America; it fulfills the requirement as to safety of equipment and is also so close as to make it extremely dangerous for men to remain between tracks while two trains are passing. It is the universal rule for railways that



12 GEORGE V, A. 1922

men stepping aside for passing trains must step to the outside of both tracks and not to the space between the tracks. We would recommend that 13 feet be retained as the standard distance between main tracks.

"2. *Main and Passing tracks.*—13 feet centre to centre.

"The object of a passing track being to permit a train to stand while being met or passed by other trains gives in one sense, the same condition as obtains with main tracks, the only difference being that, in this case, one train is standing while the other is moving. This difference, however, means that men caught between tracks have every forty feet throughout the length of their train a refuge into which they will naturally step to protect themselves from the passing train and the possibility of anything projecting or flying from it. We would recommend that 13 feet be established as the minimum distance between main and passing tracks.

"3. *Main or Running Track and Parallel Yard Tracks.*—13 feet centre to centre.

"This distance centre to centre of tracks is considered as a minimum only and is quite sufficient on light traffic lines where trains are infrequent and do not attain to high speeds customary on main lines. On main lines, all of the roads represented in this recommendation have adopted as their practice a greater distance than 13 feet, but we do not feel that anything greater than this should be adopted as a minimum.

"4 to 10 inclusive, cover tracks used for such a variety of purposes and these under such dis-similar conditions that one class of tracks in a given yard or section of the country may require an entirely different distance centre to centre from the same class of tracks in another yard or section of country.

"The requirements of storage tracks, where movements are very infrequent, may be such as to involve a tremendous waste in using anything greater than 12 feet centres.

"Freight shed tracks have been worked for years at 12 feet centres and even less, and the manner of working these should certainly determine the necessity for anything more than 12 feet at any given location.

"Team tracks in pairs it would seem need no argument as there is one clear side to each track, which should preclude the necessity for men ever having to go between the tracks themselves.

"The numbering in the above agrees with the statement attached."

In written submissions filed before the hearing, Mr. Murdock in urging that there should be 14-foot clearances from track centres urged that this was essential, not only from the standpoint of safety but also from the standpoint of having sufficient clear way between the tracks to give proper working signals to other members of the switching crew; and he emphasized again the increased size of cars and engines.

In a representation made by Mr. Best, the legislative representative of the Brotherhood of Local Firemen and Engineers, the same positions were emphasized; and it was also stated that it appeared desirable that tracks should be located at such distances as would ensure no obstruction closer than two feet from the widest cab or car in operation.

At the hearing, the railways set out that without a limitation on the width of cars it was of little value to fix a clearance, and it was represented, therefore, that the matter should stand until the question of the width of equipment could be dealt with.

Some years ago, the Board had before it in connection with the question of automobile cars a proposition as to limiting the size and height of cars, but it was found impossible to make direction at that time.

Mr. McGovern, on behalf of the men employed in train and yard service, in arguing for a 14-foot centre, said this would leave a width of 3 feet 6 inches with the



## SESSIONAL PAPER No. 20c

widest car. A considerable amount of information was given by witnesses in regard to local conditions. Judgment was reserved.

The investigations which the Board's Engineering and Operating Departments had been conducting prior to the hearing were conducted subsequent thereto; and as a result of the material collected and evidence submitted at the hearing the following recommendation was made by the Engineering and Operating Departments of the Board:—

|   | Ft. | In. |
|---|-----|-----|
| 1. Main tracks.. . . . .  | 13  |     |
| 2. Main and passing tracks.. . . . .                              | 14  |     |
| 3. (Main or running track) and parallel yard tracks.. . . . .     | 14  |     |
| 4. Receiving, sorting and classification yard tracks .. . . . .   | 13  | 6   |
| 5. Storage tracks.. . . . .                                       | 13  | 6   |
| 6. Parallel ladder tracks.. . . . .                               | 18  |     |
| 7. Ladder and other tracks.. . . . .                              | 15  |     |
| 8. Freight shed tracks.. . . . .                                  | 12  |     |
| 9. Team tracks in pairs.. . . . .                                 | 12  |     |
| 10. Passenger station tracks, without platform between .. . . . . | 13  |     |

The recommendations have been checked against those applying in railway practice in the United States. Items 4 and 5, under American practice, vary from 13 feet to 14 feet. The standard width of 13 feet 6 inches, which is recommended appears to me to be reasonable. The Chief Engineer advises that the only road he knows of which is using the parallel ladder tracks is the Canadian Pacific. I am of opinion that items Nos. 1 to 10, as set out, may be accepted and order drawn accordingly.

An important question has been raised in regard to the effective date. A proposition has been placed before the Board that the tracks now in place should be adjusted to the minimum distance prescribed, such readjustments to be made by a definite date. I am of opinion that all tracks put in place from January 1, 1922, should be subject to the minimum distance set out in the extract above from the report of the Engineering and Operating Departments.

With regard to the suggestion that the tracks now in place should be taken up and readjusted to this limited distance by the end of a definite period, on careful consideration, I have to say that I am unable to agree to this. I have a thorough appreciation of the element of human safety involved and am entirely in agreement with the proposition that the best possible precautions in this respect should be taken. The matter is not one which is measured in terms of dollars. In considering, however, the whole situation, one has to remember the effect that would be exercised on the space for cars, and the fact that established business has to be carried on. To direct that by a definite date there should be a readjustment complying with the minimum distances would dislocate business, and it would mean in various instances a serious curtailment of space. Where yard accommodation is located in a closely settled section of a city, it would mean that additional space could be obtained only at great inconvenience to the public and at almost prohibitive cost.

While it does not seem to me that a definite date can be fixed, the railway should have a continuous readjustment in mind; and I, therefore, think it would be justifiable to provide that in case of any tracks now in place which are rearranged as and from January 1, 1922, the rearrangements should be in compliance with the minimum clearances.

Where there are existing clearances less than those recommended, the burden is on the railway, where danger of accident arises from such clearances, to provide proper means of operating so as to adequately safeguard those who are working under such conditions.



12 GEORGE V, A. 1922

## STANDARD FREIGHT AND PASSENGER TARIFFS, LAKE ERIE AND NORTHERN AND GRAND RIVER RAILWAY COMPANIES AND GENERAL ORDER NO. 308.

*Judgment, Assistant Chief Commissioner McLean, June 1, 1921, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Commissioner Rutherford.*

In both of these applications, what is asked for is approval of the tariffs in question so as to permit the becoming effective on these lines of the rates authorized under General Order No. 308.

The applications were filed subsequent to the issuance of said order. In support of them, there were submitted statements showing in the case of the Lake Erie and Northern Railway Company the actual earnings and expenses for the year ending June 30, 1920; also a statement of estimated earnings and expenses for the year ending June 30, 1921, showing tonnage for the year ending June 30, 1920, and expenses at the then existing costs, plus increases in wages to be granted.

In the case of the Grand River Railway Company, similar details were furnished, except that the comparative dates were September 30, 1920, and September 30, 1921, respectively.

Subsequently additional statements were submitted bringing the actual results in each of the applications down to the end of the year ending November 30, 1920, there being submitted in each case an estimated result for the year ending November 30, 1921. This assumed the same volume of traffic as in 1920 with increased rates as applied for and estimated increased operating costs.

In order that the latest possible detail for a full 12-months period should be before the Board, the railways were directed to file the actual results for the year ending December 31, 1920. This material is now before the Board.

When the applications were launched, various protests were received. The city of Brantford filed the following protest affecting both the Grand River Railway and the Lake Erie and Northern Railway:—

“That it having been brought to the attention of this council that permission has been asked of the Board of Railway Commissioners by the Grand River Railway and the Lake Erie and Northern Railway for increased rates, and as these roads enjoy a very large business and in our opinion cannot be said to compete with the steam roads, as from their favoured positions in the various towns and cities they have a very great advantage.

“These roads carry 95 per cent of the passenger business and have the field practically to themselves, and an increase in rates would be a hardship, especially to the working people who make such a large use of the electric cars in this vicinity.

“Therefore we would respectively urge upon your honourable body that the necessity of increased rates be established before any increase is granted, and that this resolution be forwarded to the Board of Railway Commissioners.” A protest was filed by the town of Hespeler which read as follows:—

“That it having been brought to the attention of this council that permission has been asked of the Board of Railway Commissioners by the Grand River Railway and the Lake Erie and Northern Railway for increased rates, and as these roads enjoy a very large business and in our opinion cannot be said to compete with the steam roads, as from their favoured positions in the various towns and cities they have a very great advantage.

“These roads carry 95 per cent of the passenger business and have the field practically to themselves, and an increase in rates would be a hardship especially to the working people who make such a large use of the electric cars in this vicinity.



SESSIONAL PAPER No. 20c

"Therefore we would respectively urge upon your honourable body that the necessity of increased rates be established before any increase is granted, and that this resolution be signed by the mayor and clerk and forwarded to the Board of Railway Commissioners."

The city of Galt filed a protest as to the increase, said protest being identical in terms with that filed by the town of Hespeler, as did also the town of Paris.

While reference is made both to freight and passenger increases, the protest as worded in reality concerned itself with the proposed increase in passenger business.

The increases allowed under General Order 308 on passenger business automatically expire on July 1, 1921; and I am of opinion that with the short time intervening an increase in this respect should not be allowed.

There remains for consideration the question of the freight rate increases.

While the type of passenger business concerned may, possibly, on account of electric traction and higher frequency of trips be differentiated from the situation so far as steam lines are concerned, it does not seem to me that the same grounds of differentiation exist in regard to freight business.

The Grand River Railway, which has some 21 miles in operation, covers a distance of 15.03 miles between Galt and Waterloo. From Galt to Kitchener, there is competition with the Grand Trunk in the carriage of freight. There is a Grand Trunk branch between Galt and Kitchener handling local freight, said branch being 12.9 miles in length. In the case of traffic originating, say, at Brantford, on the Lake Erie and Northern, the Grand Trunk branch line between Galt and Kitchener is not available on account of the river intervening at Galt, and so the traffic from Brantford to Kitchener moving over the Lake Erie and Northern would have a mileage of 33.9 as against the Grand Trunk movement, via Guelph, of 47.22 miles.

The operating revenue of the Grand River Railway Company for the year ending December 31, 1920, was \$370,253.98. Its operating expenses amounted to \$303,787.72, leaving a net operating revenue of \$66,466.26. The company submits in this statement an item for depreciation of \$11,050. Deducting this, there would be a net earnings of \$55,416.26.

The Board has so far not passed upon the question of depreciation in connection with electric railways. In the view I take of the matter, it is not necessary in the present connection either to pass upon the propriety of depreciation as a factor to be computed in electric railway business, or the rate at which it should be computed.

The company, taking the same volume of business for 1921 as for 1920, and assuming the rate increases asked for, computes a total of \$447,518.72, as against \$370,253.98 for 1920.

Attention may be drawn in passing to the fact that the increase computed in passenger business, viz., \$15,580, is computed on a year's business. If it were allowed, there would be only one month of additional revenue from this source, giving a total in round numbers of \$1,300.

Against the operating revenues of \$447,518.72 so computed, the company computes operating expenses of \$366,924.32, giving net earnings of \$80,594.40.

The company pays yearly taxes of \$6,467.38, and bond interest at 4 per cent on \$426,000, amounting to \$17,040. In addition, advances have been made by the Canadian Pacific Railway Company to the Grand River Railway Company for road and equipment. These as of December 31, 1920, amounted to \$470,000. The first advance in 1920 was made in June. Two advances in that month amounted to \$54,700. Monthly advances were made varying from \$93,000 in July to \$49,000 in September, the advance for December being \$75,000. The interest at 6 per cent on the amounts as advanced from time to time totals \$7,125. Figures are available for the four months ending April, 1921. Over and above the \$470,000 already referred to, the Canadian Pacific Railway Company has advanced to the Grand River Railway Company in the months in question \$299,000. This, if extended on the same basis



for the year 1921, would make the debt of the Grand River Railway Company to the Canadian Pacific Railway Company at the end of December, including the \$470,000 already referred to, \$1,367,700. The debt, however, as computed is less than this, amounting to \$1,164,582, and the interest on this amounts to \$56,972.40. The operating ratio as computed on the actual figures for 1920 is 82 per cent; on the figures computed for 1921 it is 81.9 per cent.

The estimate for 1921 as submitted by the railway is as follows:—

“ESTIMATED RESULTS YEAR ENDED DECEMBER 31, 1921, ASSUMING SAME VOLUME OF TRAFFIC WITH INCREASED RATES AS APPLIED FOR, AND ESTIMATED INCREASED OPERATING COST

|   |             |              |
|---|-------------|--------------|
| “Operating Revenue—                                 |             |              |
| “Freight (through) .. .. .                          |             | \$221,488 37 |
| “Freight (local) .. .. .                            |             | 10,950 66    |
| “Switching .. .. .                                  |             | 16,392 87    |
| “Passenger .. .. .                                  |             | 171,380 01   |
| “Baggage .. .. .                                    |             | 290 11       |
| “Other .. .. .                                      |             | 27,016 70    |
|   |             | <hr/>        |
|   |             | \$447,518 72 |
| “Operating expenses .. .. .                         |             | 366,924 32   |
|   |             | <hr/>        |
| “Net earnings .. .. .                               |             | \$ 80,594 40 |
| “Less: Increase in per diem exp. .. .. .            | \$ 4,847 60 |              |
| “Depreciation .. .. .                               | 33,432 75   |              |
|   |             | <hr/>        |
|   |             | 38,280 35    |
|   |             | <hr/>        |
|   |             | \$ 42,314.05 |
| “Further deductions—                                |             |              |
| “Taxes .. .. .                                      | \$ 6,467 38 |              |
| “Bond interest (4 per cent of \$426,000) .. .. .    | 17,040 00   |              |
| “Interest on advance for road and equipment .. .. . | 56,972 40   |              |
|   |             | <hr/>        |
|   |             | 80,479 78    |
|   |             | <hr/>        |
| “Net deficit .. .. .                                |             | \$38,165 73  |
|   |             | <hr/>        |

I have subjected this to revision on the basis of freight increases alone, with the elimination of depreciation and increase in per diem expenses. In doing so, I express no opinion upon the propriety of these items, their elimination is simply for greater caution in an endeavour to get as exact a basis of computation as possible.

|   |             |              |
|---|-------------|--------------|
| Operating Revenue—                                  |             |              |
| Freight (through) .. .. .                           |             | \$221,488 37 |
| Freight (local) .. .. .                             |             | 10,950 66    |
| Switching (same as last year) .. .. .               |             | 16,392 87    |
| Passenger (same as last year) .. .. .               |             | 155,800 01   |
| Baggage (same as last year) .. .. .                 |             | 263 74       |
| Other (same as last year) .. .. .                   |             | 27,013 70    |
|   |             | <hr/>        |
|   |             | \$431,909 35 |
| Operating Expenses (81.9 per cent) .. .. .          |             | 353,733 75   |
|   |             | <hr/>        |
| Net earnings .. .. .                                |             | \$ 78,175 60 |
| Other deductions—                                   |             |              |
| Taxes .. .. .                                       | \$ 6,467 38 |              |
| Bond interest (same as last year) .. .. .           | 17,040 00   |              |
| Interest on advances for road and equipment .. .. . | 56,972 40   |              |
|   |             | <hr/>        |
|   |             | 80,479 78    |
|   |             | <hr/>        |
| Net deficit .. .. .                                 |             | \$ 2,304 18  |
|   |             | <hr/>        |

The company has a capital stock of \$125,000. Allowing the increase in freight rates as asked for and deducting certain items, as indicated, it would appear that even with this increase there is, before any allowance is made for dividends on the capital stock, a deficit of \$2,304.18.

The Lake Erie and Northern Railway Company's estimated results for the year ending December 31, 1921, are computed on the same basis as in the case of the



## 91

Grand River Railway Company. This estimate is subject, in the case of passenger revenue, to the same correction as set out in the case of the Grand River Railway Company.

The following statements show actual results for 1920 and also computation of results for 1921:—

**Operating Revenue—**

ESTIMATED RESULTS YEAR ENDED DECEMBER 31, 1921, ASSUMING SAME VOLUME  
OF TRAFFIC WITH INCREASED RATES AS APPLIED FOR, AND ESTIMATED  
INCREASED OPERATING COST

Operating Revenue—

|  |           |    |
|--|-----------|----|
| Freight (through) .. .                           | \$134,125 | 51 |
| Freight (local) .. .                             | 27,841    | 19 |
| Switching .. .                                   | 3,789     | 15 |
| Passenger .. .                                   | 219,417   | 69 |
| Baggage .. .                                     | 163       | 90 |
| Other .. .                                       | 26,428    | 79 |
|  | <hr/>     |    |
| Operating expenses .. .                          | \$411,766 | 23 |
|  | 350,083   | 38 |
|  | <hr/>     |    |
| Net earnings .. .                                | \$61,682  | 85 |
| Less: Increase in per diem exp. .. .             | \$ 1,474  | 50 |
| Depreciation .. .                                | 12,512    | 50 |
|  | <hr/>     |    |
|  | 13,987    | 00 |
|  | <hr/>     |    |
|  | \$47,695  | 85 |
| Further deductions—                              |           |    |
| Taxes .. .                                       | \$ 8,585  | 86 |
| Bond interest (4 per cent of \$2,317,500) .. .   | 92,700    | 00 |
| Interest on advances for road and equipment .. . | 15,300    | 00 |
|  | <hr/>     |    |
|  | 116,585   | 86 |
|  | <hr/>     |    |
| Deficit .. .                                     | \$ 68,890 | 01 |







## SESSIONAL PAPER No. 20c

the cars of both companies to come to a stop before crossing and the railway employees to be governed by signals from the said watchman before proceeding over the crossing.

"3. That the wages of the said watchmen be borne and paid one-half by the applicant and one-half by the railway company."

The applications as to the crossings on Talbot street and Elm street were dealt with by Order 29860 of July 15, 1920, and Order 29876 of July 15, 1920. These orders also provided for the authorization of the operation asked for for a period of three months. Order 29860, as to Talbot street, provided as follows:—

"2. That the day and night watchmen at present installed at the said crossing have charge of the railway traffic as well as the street traffic, the railway employees to be instructed that they are to be governed by the signals and instructions of such watchmen; the cars of both companies to stop before proceeding over the crossing, and to be governed by signals from the watchmen.

"3. That the cost of the said watchmen be borne and paid one-half by the applicant and one-half by the London and Port Stanley Railway Company."

In the case of Elm street, Order No. 29876, the order provided as follows:—

"2. That the applicant, at its own expense, erect a semaphore in the angle of the said crossing, with a single arm and light arranged so that it will stand normally clear for the London and Port Stanley Railway and against the St. Thomas Street Railway; and that, before street cars proceed over the crossing, the car operator shall stop his car 30 feet clear of the nearest rail of the London and Port Stanley Railway, and go forward and set the signal against that line, then take his car across, stop it again the same distance (30 feet) clear, and restore the signal to its normal position before leaving."

From time to time, orders have been issued granting various periods of extension.

Under date of March 3, 1921, the St. Thomas Street Railway, the London and Port Stanley Railway and the Pere Marquette Railway were instructed to furnish the Board with full report as to the successful operation, or otherwise, of the existing arrangement.

The information is as follows:—

*Wilson Avenue.*—The Street Railway stated that the operation of the car had been a success in every way, and it was believed was greatly appreciated by the people. It was stated that one accident had occurred on October 19, 1920, at 9.15 p.m., it being set out that this was due to the Pere Marquette watchman giving the street railway motorman at Wilson avenue crossing a signal to go ahead. The street car was run into by the Pere Marquette engine backing down without any light on it, and it was, therefore, not noticed by the watchman or motorman. There were no passengers in the car at the time, and the only injury was to the street car.

The Pere Marquette in its answer sets out:—

"1. That the application of the city of St. Thomas for permission to operate one-man cars over Wilson avenue should be denied for the reason that the applicant seeks to lower the cost of operation by adopting a method which greatly increases the dangers to passengers".

"2. The said Pere Marquette Railway Company submits that the application should not be granted unless the crossing be protected in some manner equal to the protection afforded by having the street cars operated by a full crew".

"3. The Pere Marquette Railway Company submits that if permission is to be granted to applicant to operate one-man cars over Wilson avenue, the



order should require the crossing to be protected by the Street Railway Company from three o'clock in the afternoon instead of from six o'clock. This is being done at the present time and it more equally divides the time between the applicant and the Pere Marquette Railway Company".

The Board's Inspector who has gone into the matter reports as follows:—

"I went out to Wilson avenue crossing and stayed there some time watching the operation. I found that there was a watchman coming on duty at 6.35 a.m., and he worked continuously until 2 p.m., when a section-man came on duty from 2 until 3 p.m., when the regular "night watchman" took charge and worked from 3 p.m. to 11.35 p.m., when the last street car for the night passed; this service is perfectly satisfactory. The city, I understand, pay their share of the expense of watchmen. I took the matter up with Mr. Doherty, city solicitor for St. Thomas, and he stated that the city was willing to continue paying their share of the cost of protection. The system working as it is at the crossing is perfectly satisfactory and safe, and, personally, I think it should not be interfered with, and the order should be made permanent as per request".

In regard to the crossings of Talbot street, Elm street and Wellington street, all of which are across the tracks of the London and Port Stanley Railway, the answers submitted by the street railway are, in effect, that the operation has been successful in every respect, and that no accidents have taken place at these crossings. The London and Port Stanley Railway has not filed any objection to the existing arrangement or any comment upon the situation to which its attention was drawn by the Board's letter as already referred to.

The report of the Board's Inspector as to these crossings is that the arrangement is giving satisfaction and is, in his opinion, a thoroughly satisfactory one.

While it has been set out by the Pere Marquette that there has been in practice, a modification of the basis of contribution to the cost of watchmen at Wilson Avenue, as provided for in Order No. 29877, the Board is informed by the city of St. Thomas that "there has been no arrangement made between the city and the Pere Marquette Railway Company by which the city has agreed to pay the services of the watchmen at the Wilson avenue crossing from 3 p.m. to 6 p.m.;" and it is further stated that there has not in practice been any variation from the basis of contribution provided for in Order No. 29877.

The basis set out in Order No. 29877 was spoken to. I do not feel justified, in the present instance, where the Board is acting of its own motion, in recommending that the basis so arranged should be departed from.

I am of opinion that instead of renewing from time to time the various orders concerned, orders should now, in each case, issue authorizing, pending further order of the Board, the operation as at present authorized.

#### *Re* REDUCTION IN THE EXPRESS CLASSIFICATION OF ICE CREAM

*Judgment, Chief Commissioner Carvell, June 6, 1921, concurred in by the Assistant Chief Commissioner and Commissioner Rutherford.*

This case was heard at Ottawa on the 27th day of October last, and, in substance, is an application of the manufacturers of ice cream that this commodity should be placed in the second class for express purposes and not in the first, the contention being that, as ice cream is a food, it should be placed on the same footing for express charges as most other food products.



## SESSIONAL PAPER No. 20c

Practically the whole object of the applicants at the hearing seemed to be to establish the fact that ice cream was a food. I felt then, and now feel, that it was unnecessary to have gone to all the trouble because every person knowing the component parts of ice cream must admit that it possesses food value of a very high order. On the other hand, I cannot get away from the idea that ice cream is essentially a luxury.

It was argued very strenuously, and no doubt is true, that in hospitals it is used to some extent as a food and that, in many cases, with delicate children, they may be induced to partake of milk and cream in the form of ice cream which they would refuse in their ordinary condition, but these instances must be very rare, and, in my opinion, are not such as to place it in the category of an ordinary food product.

From a somewhat intimate knowledge of the manner in which this product is consumed in the country, I consider it a luxury just the same as soda water or candy. Ice cream is shipped in bulk, usually in 5 gallon cans. It goes to hotels, restaurants, ice cream parlors, etc., and is served out in very small quantities at a tremendously increased rate over the original cost of the article, and a reduction in the express rate, in my opinion would in no case inure to the benefit of the ultimate consumer but would simply be an added profit to the manufacturer and the middleman. For these reasons I think the application should be dismissed.

## APPLICATION NATIONAL DAIRY COUNCIL OF CANADA FOR REDUCTION ON ICE CREAM AND RETURNED EMPTIES

*Judgment, Chief Commissioner Carvell, June 6, 1921, concurred in by the Assistant Chief Commissioner and Commissioner Rutherford.*

This case was heard by the Board at Ottawa on the 3rd day of November last, and it was suggested by Mr. Commissioner Rutherford that the parties should get together and attempt to arrive at a settlement. After a number of attempts, they met at Montreal on the 25th of February, but no agreement was arrived at.

In substance, the application is a request that whenever the handling of ice cream and the return of the empties is performed by the manufacturer at a point where wagon service exists, there shall be a reduction in the rate of 10 cents, and 5 cents respectively, and, when the case was first presented, the proposal seemed very reasonable to me.

Suggestions somewhat along the same line were made to the Board a number of times during its trip to Western Canada in the month of October last and the same principle was argued in extenso in the recent Express Judgment. In view of the decision in that case, I fail to see how this present application could succeed.

It was claimed by the manufacturers that this service could not be properly handled by the express companies during the hours of the day when the wagon service is in operation, viz., from 8 a.m. to 5 p.m., as the goods have to be packed in the night and transported to the railway station in order to catch the early morning trains to country points, and, when we consider the fact that the Neilson Company of Toronto handles as high as 800 packages per day and the Ottawa Dairy Company of Ottawa from 300 to 400, it is quite evident this contention is true, and it was not seriously controverted by the express companies.

On the other hand, the express companies hold themselves in readiness to handle all this business according to the existing rates during the day time as above mentioned, and the express companies contend that, if a concession were made to the ice cream manufacturers, it would be impossible to refuse it to shippers of other commodities, such as departmental stores, etc. The result would be a chaotic condition of business which would entirely disrupt their whole express service at large centres.



12 GEORGE V, A. 1922

It is this phase of the question which influences me more than anything else in arriving at a conclusion in this matter. The express companies are bound under the statute and the decisions of the Board to furnish wagon service capable of taking care of all the business that may offer, and, if this concession were granted to ice cream manufacturers, I fail to see how it could be refused to others. Any shipper would then be in a position to demand the service from the express companies when it suited him, and could do it himself when more convenient, the result being that the express companies would be compelled to keep on hand horses and equipment sufficient to meet the maximum demand, much of which might be unemployed during a portion of the time, entailing an unnecessary cost on other express business.

For these reasons, and in view of the decision of this Board restoring the cartage differentials at non-cartage points, it would be entirely inconsistent to grant this application, and therefore, it should be refused.

**ASSISTANT CHIEF COMMISSIONER McLEAN:** In the ruling of the Board in *Re Express Charges Virden to Cromer via Canadian National Express*. File 29040.24 (Board's Orders and Judgments, January 15, 1920, p. 367), the following expression of opinion was given by way of ruling "where the express company maintains a cartage service which the shipper does not see fit to take advantage of, this does not justify the reduction asked for." While the matter involved arose in connection with the question of the cartage differential service since abolished, the principle enunciated is of general application and applies to the present case. I agree in the decision of the Chief Commissioner.

W. MALCOLM MACKAY, LIMITED, ST. JOHN, N.B., V. CANADIAN PACIFIC RAILWAY CAR RENTAL.

*Judgment, Assistant Chief Commissioner McLean, June 8, 1921, concurred in by the Chief Commissioner and Commissioner Boyce.*

Demurrage accrued in connection with certain cars of lumber shipped by the applicant. There is outstanding to the railway company some \$724 on this account. The applicant contends that he comes within the provisions of an agreement whereunder twenty days free time was allowed in connection with export shipments.

Under date of October 24, 1919, an agreement re demurrage was entered into between the Canadian Railway War Board and specified steamship companies handling cargo from Atlantic ports. Under this agreement, it was provided:

"1. It is mutually agreed between the Canadian Railway War Board acting on behalf of the railways, members thereof, and the steamship companies concerned, namely, the Canadian Pacific Ocean Services, Limited; The White Star Dominion Line; the Robert Reford Company, Limited; The Canadian Government Merchant Marine; McLean Kennedy Company, Limited; Furness, Withy Company, Limited; Canada Steamship Lines, Limited; Compagnie Canadienne Transatlantique, Limited; New Zealand Shipping Company, Limited; and Elder, Dempster and Company, Limited; that cars containing freight for British countries (other than Canada) and foreign countries (other than the United States), including that for Newfoundland via Halifax, Montreal and North Sydney only, and for the islands of St. Pierre and Miquelon via Halifax or North Sydney for transshipment to ocean vessels, whether moving on through bill of lading or otherwise, which are held on railway tracks at Atlantic ports awaiting vessels or for other reasons beyond the control of the railways, shall be allowed twenty (20) days' free time from 7 a.m. following date of advice of arrival at such port, exclusive of Sundays and legal holidays, after which a toll of two dollars (\$2) per car per day or fraction thereof shall be charged for all time in excess of free time exclusive of Sundays and legal holidays."



## SESSIONAL PAPER No. 20c

Clauses 3 and 4 of the agreement have the following provisions:—

“3. If for any cause chargeable to the railways, cars do not arrive at seaboard in time to connect with the advised sailings as provided above, the free time shall be computed from the next regular advised sailing date, *not to exceed twenty (20) days as above mentioned.*”

“4. The steamship companies on their part agree that where such companies are responsible for delay to cars beyond the initial twenty (20) days’ free time, they will pay the railway companies demurrage accruing after expiration of such free time.”

The wording of clause 4, it will be noted, sets out that it refers to delays for which the steamship companies are liable and the obligations in connection therewith.

Applicant contends that when a freight agreement was entered into by him with any of the steamship companies concerned he became a party to the arrangement entered into between the steamship companies and the exporters, and had a right to the twenty days’ free time.

The contention of the railway concerned—the Canadian Pacific—is that the agreement in question was between the transportation companies, and that the applicant had no standing in connection therewith.

The matter has been dealt with by written submissions. The applicant’s position is more fully set out in his letter of November 24, 1920, which reads as follows:—

“We regret the very long delay in replying to yours of June 29 and August 9. We have had some difficulty in getting the railway bills collected, but enclose them herewith. Nine of the cars were loaded at Cardigan on the Gibson Branch of the C. P. R., two at Pinders on the Southampton Branch nearby, and four at St. George on the Shore Line Division of the C. P. R. here. We cannot supply you with the original bills of the latter four cars as they have been sent to the people we bought the lumber from at New Haven, Conn.”

“We enclose copies of correspondence with the C. P. R. in connection with these matters, and you will note that nine of the cars went to the ss. *Zekri* for South Africa, and the other six to the ss. *Dunaf Head*, for Belfast, Ireland.”

“In bringing lumber to St. John for export, it is seldom possible to bill them direct to the steamship lines as we cannot tell from time to time which Port stock is to be shipped to. Steamships generally require lumber in a hurry and give us very short notice, therefore we have to keep a supply in transit to be apportioned to whatever lines call for it first. Of course there are some lots which we can bill direct to the vessels but in most cases the procedure has to be as above. On receiving an order from the steamship lines for stock to fill space chartered and which space has no definite date of shipment, we can then supply them with the car numbers, but it is impossible beforehand on account of the above, and the steamship companies would refuse to accept cars unless billed to definite destinations.

“In sending stock alongside ships we pay the freight and order the cars through the railway office, and then state car numbers to the steamship companies who in turn give the railway the delivery orders as stock is required alongside.

“If there is any other information that you desire, kindly advise us, and we will be glad to furnish it.”

Since the receipt of this letter, the correspondence has been continued. The most recent communication from the applicant which has been received within the last two weeks reads as follows:—



12 GEORGE V, A. 1922

"Again referring to yours of March 9, we beg to submit as follows:—

"Mr. Flintoft has evidently been misinformed, as the facts of the matter are that lumber consigned to the steamship companies was allowed the twenty days' free time.

"For reasons explained to you previously, we were unable to consign our shipments directly to steamship companies, and we think that a mere matter of billing should not debar us from the same privileges said steamship companies had on this commodity.

"For years there has been a free time allowance on lumber per the Inter-colonial Railway for export from St. John, Halifax, Pictou, Pugwash, Miramichi, etc., at one time as much as twenty-five days. This was reduced to ten days, and the Canadian Pacific made the allowance accordingly.

"But as the steamship companies were allowed the twenty days under the agreement of November 1, 1919, we feel that we certainly are entitled to the same on liner shipments.

"Trusting for a favourable decision from your Board, we are,

"Yours very truly."

The applicant, as pointed out, alleges that he has the right to the twenty days' free time. In the view I take of the agreement, it seems to me that the fundamental matter is, what was covered by the agreement?

While the transaction was concerned with the Canadian Pacific, reference must in the first instance be made to the tariffs of the Canadian Government Railways. The reasons for this will be later apparent.

A special freight tariff, C.R. 179 of the Canadian Government Railways, was effective February 5, 1918. This is a special freight tariff providing car demurrage regulations on carload traffic at tide-water ports. This provided, in the case of boards, box shooks, deals, lath, pickets, pit props, and square timber a free time allowance of ten days. This free time allowance of ten days runs from the date of arrival and applies at a group of 11 ports, St. John and Halifax being included in the list.

The same tariff carries a notation as to "All other traffic". It provides at Halifax and St. John in respect of shipments from points within 400 miles from the seaboard port via which traffic is to be exported, a free time allowance of ten days from date of arrival; and, further, provides that in case of points over 400 miles from the seaboard port via which traffic is to be exported fifteen days from the date of arrival. This is the car demurrage tariff which was operative on the Canadian Government Railways at the date when the agreement already referred to was entered into. The agreement was executed October 24, 1919, and was to be effective November 1, 1919.

The first tariff reference I find to the agreement is set out in Canadian National Railways Tariff C.R. 17, which cancels C. G. Railways C. R. 179, already referred to. C. R. No. 17 issued December 30, 1919, and was effective February 1, 1920. The tariff is a special freight tariff providing car demurrage regulations on carload traffic at specified tide-water ports. It sets out in the items of lumber already referred to free time allowance at fourteen seaboard points, including St. John and Halifax; and provides that on shipments from stations on the Canadian National Railways and connections there shall be free time allowance of five days from date of arrival. Further provisions is made by note 1 that after expiration of the free period named, car demurrage will be charged at the rate of \$1 per car per day, or fraction thereof. This is the same rate which applied in the case of Tariff C. R. 179.

In the case of "All other traffic" provision is made that there shall be applicable at Halifax, St. John or North Sydney "Demurrage regulations as per the agreement between the Canadian Railway War Board and steamship lines."



## SESSIONAL PAPER No. 20c

It appears then, that the first tariff sanction given to the agreement was by tariff effective February 1, 1920; and it further appears from an analysis of the said tariff that the provisions of the agreement did not apply to lumber. It may be noted in passing that in said tariff hay is given the same treatment as lumber.

In a communication from the Board, the applicant was asked to state the number of carloads of lumber referred to. The applicant replied to this furnishing correspondence showing that under date of February 20, 1920, the terminal agent of the Canadian Pacific Railway Company at West St. John was written to informing him that applicant has in his yard nine cars of lumber "which may be required" for ss. *Jekri*. On February 25, 1920, a communication was addressed to the Elder Dempster Company, which covers in part the cars already referred to and adds three more for shipment by ss. *Jekri*. On April 14, 1920, the terminal agent of the Canadian Pacific Railway Company at West St. John was written to by applicant informing him that he had at West St. John 8 cars intended for ss. *Dunaff Head*.

There has not been submitted to the Board the dates when the demurrage accrued, but the statement set out shows that the first notification to the railway as to the cars available for shipment was on February 20, and, as has been pointed out, C. R. 17 was effective February 1, 1920. It is clear that under the Canadian National Railway tariff the agreement relied on did not apply to lumber.

There is no tariff of the Canadian Pacific giving any sanction whatever to the agreement. The Canadian Pacific states that the Canadian National Railways having published a tariff allowing ten days free time at St. John, Halifax and Sydney in the case of export lumber, and averaging \$1 per day for delay beyond the ten days, this scale was adopted by the Canadian Pacific, and the charges were made accordingly. The railway states, however, that no such tariff was ever published by it. The tariffs of the Canadian Pacific have been checked and the Board finds no record of a tariff allowing ten days' free time at St. John, Halifax and Sydney in the case of export lumber.

At the time the cars were available for movement as represented in the record placed before the Board, the Canadian National tariff C. R. No. 17 only allowed five days' free time.

In the absence of Canadian Pacific tariff dealing with the question of free time on export lumber, recourse must be had to the demurrage rules. By exception 2 to rule 3 of said rules, provision is made for five days' free time being allowed at Montreal and at tide-water ports for unloading lumber and hay for export.

As a matter of tariff construction, I am of the opinion that this is the provision which applied in the case of the Canadian Pacific Railway Company. In making an adjustment on the basis of ten days' free time something was done which was in ease of the provisions of the demurrage rules. I am unable to find any tariff sanction authorizing, as requested by the applicant, the application of the twenty days' free time under the agreement to the shipments involved in the present application.

CANADA WEST COAL CO., LIMITED, AND INTERNATIONAL COAL AND COKE COMPANY, LIMITED,  
RATES ON COAL FROM LETHBRIDGE AND THE CROW'S NEST DISTRICTS TO WINNIPEG AND  
INTERMEDIATE POINTS

*Judgment, Chief Commissioner Carvell, June 8, 1921, concurred in by Commissioner Boyce.*

At the sittings of the Board in Winnipeg on the 27th April, Mr. Hough, K.C., on behalf of the applicants, submitted a memorandum pointing out that the rate on coal from the Lethbridge and Crowsnest mines was greater than that from the Drumheller and Rocky Mountain districts to Winnipeg, although the mileage from Lethbridge was less than that from Drumheller, claiming discrimination and asking that



Lethbridge and Crowsnest rates be reduced to the Drumheller rate. No notice had been served upon the railway companies, and, therefore, they were given an opportunity to reply, which they have now done.

On examining the facts as presented, I am unable to conclude that discrimination exists. It seems that, in the Western Rates Case Judgment of 1914, the rates on coal from Lethbridge to Winnipeg were established on a uniform basis of 55 per cent of the 10th class standard rates, which is the present C.P. R. tariff. At that time, a lower basis was in effect from Drumheller than this standard would produce. As all coal rates were increased by Order in Council P.C. 1863, and also by the Rate Judgment of September last, the difference between the two rates, no doubt, has somewhat increased. In the Board's judgment in the Western Rates Case of 1914 the following appears:—

“and, where, in same isolated cases, the companies for some specific reasons, have an existing rate lower than the basis now prescribed, the existing rate shall be continued.”

and, in the Board's General Order No. 125, dated May 30, 1914, some months prior to the judgment above referred to, the Board positively ordered as follows:—

“and it is further ordered that, for a period of two years from the date of this order, no rates at present in effect west of Port Arthur, Ont., be increased without the approval of the Board.”

It, therefore, seems that the rates now existing are proper and legal under the existing orders of the Board.

Discrimination is alleged in that the Canadian Pacific Railway Company is charging a greater rate on coal from Lethbridge than is the Canadian National from Drumheller, but I do not understand that a rate charged by one railway which may be greater than that charged by another for the same service can be considered discriminatory. If the C.P.R. were handling coal from Drumheller at the C.N.R. rate and charging a greater amount from Lethbridge, a shorter distance, I think it would be a proper case for consideration by the Board on the ground of discrimination, but that point has not yet been reached, and, should the C.P.R. get into the Drumheller field, as I presume it will in the near future, probably this matter will have to be finally decided. Therefore, I think the application should be dismissed.

*Re* RULING OF C.F.A. THAT SECTION 14 OF THE BOARD'S GENERAL INTERSWITCHING ORDER NO. 252 IS CONSTRUED TO AUTHORIZE THE LOCAL ROAD HAUL SCALE OF 24 CENTS FIRST-CLASS AS THE “ORDINARY PUBLISHED RATE OF THE INTERCHANGE.”

*Judgment, Assistant Chief Commissioner McLean, June 15, 1921, concurred in by the Chief Commissioner and Commissioner Boyce.*

This matter came up in connection with an application for a ruling of the Board in the matter of proper switching charges in connection with a shipment of excelsior loaded by Delaney & Pettit, Limited, on Grand Trunk team track at Jefferson Avenue, Parkdale, to be shipped via C.P.R. to Edouard Fournier, Montreal.

Section 14 of General Order No. 252 dealing with interswitching of freight traffic reads as follows:—

“Should a team track shipper expressly order his shipment to be inter-switched to another carrier, notwithstanding that the initial carrier upon whose team tracks the car has been loaded can furnish at the destination thereof, itself or through its connections or by interswitching, the same delivery and facilities as the said other carrier at no greater charge, the said



## SESSIONAL PAPER No. 20c

initial carrier may, in lieu of the toll prescribed in section 6, charge and collect its ordinary published rate to the interchange, which rate shall be a lawful additional charge against the shipment;

"Provided, however, that this alternative shall not be lawful, and section 6 shall apply, if within forty-eight hours after the shipper has requested it the said initial carrier fails to place a suitable car reasonably convenient for loading."

What is involved in the present application is the construction of the words "its ordinary published rate to the interchange."

When the application was launched, it was stated that the car of excelsior had been loaded on the Grand Trunk team track at Jefferson avenue, located adjacent to the applicant's works in Parkdale, for Edouard Fournier, Montreal, Quebec. Owing to the consignee's place of business, 80 Rue Clarke, being much closer to the Canadian Pacific Railway's team tracks than those of the Grand Trunk, he ordered shippers to ship via the Canadian Pacific to avoid the higher cost of cartage from the Grand Trunk terminal as compared with the Canadian Pacific. Excelsior is an "exception" under the cartage tariffs and not subject to the general rate.

In the application as launched by Mr. Marshall, it is stated that the Grand Trunk assessed its full mileage 5th class rate of 12 cents per 100 pounds, claiming it was entitled to this under section 14 of the General Interswitching Order. Mr. Marshall continues:—

"We hold it is open to question whether the team track interswitching charge of 1½ cents per 100 pounds should have been assessed, but in any event that the 5th class rate of 5½ cents for the movement between Parkdale and Bathurst Street-under G.T.R. Local Switching Tariff S-131, C.R.C.E.-4133, should not have been exceeded."

On taking the matter up with the railway, it was stated that the matter was under consideration by the Freight Committee of the Canadian Freight Association; but in the meantime, and without prejudice, the division freight agent at Toronto had been directed to adjust the charge to the basis of 5½ cents per 100 pounds as claimed.

Subsequently, the Board was advised by the railway company that on consideration by the railways the opinion was that where traffic was loaded on team tracks and switched to a connection to enable the latter to obtain the road haul to a common or competitive point which can be reached by the switching carrier and delivery required given, the local road haul scale of 24 cents per 100 pounds first-class should be applied.

While the complaint was launched in the first instance against the Grand Trunk, counsel for the Canadian Pacific discussed the matter of principle involved.

Originally, at interchange points no uniform rate for switching service was in effect. The Board has dealt with the matter by general orders. The order which at present deals with the rates and conditions of interswitched freight traffic is General Order No. 252, of October 26, 1918.

Local switching for individuals or firms is distinguished from interswitching for another railway. Under tariffs now applicable, the railways have subdivided the local switching under the headings of interplant, intraplant, reconsigning, and reshipping switching.

The minimum class rates which the companies contend should apply are those established by Order in Council P.C. 1863. This minimum scale made a very sharp increase in the rates for short distances. The first draft local switching tariffs presented by the railways contained the minimum rates based on P.C. 1863, provision being made for these rates to be charged in the absence of lower specific switching



12 GEORGE V, A. 1922

rates. The matter was adjusted, however, by providing that in the case of local switching the basis should be the standard class rate of 1917, plus the 15 per cent and 25 per cent increases, or an increase over 1917 rates averaging a little over 43 per cent.

The contention of Mr. Marshall that it was an open question whether the team track charge of  $1\frac{1}{2}$  cents per 100 pounds should have been assessed does not appear to me to be tenable.

In the case of local switching and in the case of the movement herein involved, the service is the same varying only in respect of distances. The local switching rates are published as of general application where no rate for a specific movement is in effect. The physical service performed is the same whether the car is moved to a track of the switching company or to a transfer track of a connecting company.

I am, therefore, of the opinion that on the movement involved "the ordinary published rate" as referred to in section 14 of the Interswitching Order is the rate that would be ordinarily charged for the same movement as a local switching and not an interswitching operation.

#### APPLICATIONS ABRAHAM YACOWAR AND SAMUEL YACOWAR FOR FARM CROSSINGS

*Judgment, Commissioner Boyce, June 29, 1921, concurred in by the Chief Commissioner, Assistant Chief Commissioner, Deputy Chief Commissioner, and Commissioner Rutherford.*

There are two applications for farm crossings. The first is by Abraham Yacowar, who is the owner of the N.E.  $\frac{1}{4}$  of section 20, Township 20, range 28, west 3rd M. The second application, which is sought to be tied on to the first, is by Samuel Yacowar, a brother of Abraham Yacowar, Samuel being the owner of the S.E. and S.W.  $\frac{1}{4}$  of 20-20-28, W. 3rd M.

The railway traverses the lands of Abraham Yacowar, N.E.  $\frac{1}{4}$  20-20-28, cutting it in half from northeast to southwest through part of the cultivated land at the northeast corner, and thence through the pasture land, cutting off that part of the pasture land lying northwest of the railway from the well which is southeast of the railway on this quarter-section, and thereby depriving Abraham Yacowar of the right of access to the well for watering his cattle.

The railway also cuts through the lands of Samuel Yacowar—the southerly half of section 20. The line, after leaving Abraham Yacowar's N.E.  $\frac{1}{4}$  traverses Samuel Yacowar's S.E.  $\frac{1}{4}$  at the N.W. corner and continuing traverses Samuel Yacowar's S.W.  $\frac{1}{4}$  at the S.W. angle; also, as he complains, cutting off his pasturage from water. It is contended, and representations are made by the respective applicants, that they hold the whole section 20 in partnership—that is, apparently, they share the profits or work of two half-sections owned by each brother together, although they have separate titles to each half-section and made separate right-of-way agreements incident to their respective holdings with the railway company.

Sections 272 and 273 of the Railway Act do not contemplate the granting by this Board of any farm crossing from the lands of one person to those of another person. The powers vested in this Board by these sections extend only to cases where the lands of one person are severed by the railway and access is necessary from one part of the lands of that person to the other part of his land. I am, therefore, of opinion that the question of partnership, or community holding, or sharing in profits, cannot be considered as regards these applications, and that they must be dealt with separately as regards the relative rights of railway company and owner of each portion of the section through which the railway passes.

The railway does not touch the N.W.  $\frac{1}{4}$  of section 20-20-28, W. 3 M., owned by Abraham Yacowar. As regards the N.E.  $\frac{1}{4}$  of 20, covered by the application of



## SESSIONAL PAPER No. 20c

Abraham Yacowar, there is clearly a case made out for a farm crossing. As I have pointed out, there is at the northerly portion of this quarter-section an area of cultivated land traversed by the railway. The remainder of the quarter-section is pasture land divided by the railway, and thereby cutting off from water.

Under section 272 it is obligatory upon the railway to make crossings for persons across whose lands the railway is carried, "convenient and proper for the crossing of the railway for farm purposes." There should, therefore, be an order upon Abraham Yacowar's application, that the railway company furnish and provide, at its own expense, on or before the 15th day of August next, a convenient and proper crossing, on the N.E.  $\frac{1}{4}$  of section 20, township 20, range 28, west of the 3rd meridian, at such point as may be mutually agreed upon between the railway company and the owner. If the parties do not agree upon the location of the crossing '(i.e., a level farm crossing) the location of such crossing shall be settled by an engineer of the Board. The crossing to be protected by gates and to be kept closed by the owner; and, as provided by subsection 2 of section 272 of the Railway Act, whenever live stock is using the crossing they shall be in charge of some competent person who will take all reasonable care and precaution to avoid accident. The applicant asks for an under-crossing, or subway, but the profile shews, and the engineer reports that the contour of the land does not lend itself to any such crossing, which in any event would be expensive, and under the circumstances unnecessary. The crossing, therefore, will be at rail level.

As regards Samuel Yacowar's application, he asks that the railway company construct a cattle pass-under grade, in the S.W.  $\frac{1}{4}$  of 20-20-28 W. 3rd, or, in the alternative, that the railway company provide a good well on the N.W.  $\frac{1}{4}$  of the same section, sufficient for the watering of his cattle. He states that the latter alternative will be just as suitable, as he could water his stock on the north side of the railway's right of way. The Engineer reports, as regards this application, that it is possible at a point near the 20-mile post to put in an under crossing for cattle to pass, six feet high and five feet wide, there being a fill on the railway crossing this land of approximately nine feet, rendering such an under crossing possible, if desirable. Such a crossing, the Engineer reports, would cost about \$4,000.

I am of opinion that this Board has no jurisdiction to order the railway company to provide the alternative remedy asked for, viz., a well on the N.W. portion of this section. If such an alternative is acceptable to the railway company, and is complied with by the company to the satisfaction of the applicant, it can be accepted by the applicant as a discharge of the order which I think ought now to go, directing that the railway company provide, at its own expense, on or before the 15th day of August next, a suitable, convenient, and proper crossing, at rail level, between the S.W. and S.E. quarters of 20-20-28, W. 3rd, the property of Samuel Yacowar, at such point as may be mutually settled between the railway company's representative and the owner, and if no agreement can be reached between them, by an Engineer of this Board. The same provisions and conditions as to protection of the crossing and personal conduct of cattle in the first case to apply to this case. I do not think that the necessities of the case call for any such large expenditure as would be involved by the only possible under-crossing referred to. The cost of such an under-crossing would probably be nearly as large as, if not more than, the full value of the land, and I think a crossing at rail level can be made, which would be within the meaning of the section of the Railway Act applicable thereto—"convenient and proper for the crossing of the railway for farm purposes."

Separate orders should go providing for the above.

NOTE.—The order, in the case of Samuel Yacowar, to contain a clause giving him the option of constructing an under-crossing at the point located by the Engineer, at his own expense. The railway company to contribute to the cost of such undercrossing the cost of a crossing at rail level.



12 GEORGE V, A. 1922

APPLICATION ONTARIO FRUIT GROWERS' ASSOCIATION, *et al*, FOR RESTORATION BY EXPRESS COMPANIES OF PREVIOUS ARRANGEMENTS FOR UNLIMITED UNLOADING OF CARLOAD FRUIT AND VEGETABLES FROM STATIONS IN ONTARIO TO POINTS IN MARITIME PROVINCES AND WESTERN CANADA.

*Judgment, Chief Commissioner Carvell, July 6, 1921*

For many years prior to 1919, fruit growers in the Niagara peninsula of the province of Ontario have enjoyed the privilege of forwarding their fruit to points in the Maritime Provinces as well as points in Manitoba and other portions of Western Canada by express at carload rates regardless of the quantity shipped, although, no doubt, in most cases, they were started from the Niagara peninsula in carload lots and distributed from station to station along the several lines of railway, always, however, at the carload rate. This privilege was curtailed, so far as shipments to the west were concerned, by the Express Judgment of 1919, but continued in the Maritime Provinces.

When the Board was considering the application of the express companies for a general increase in rates, very serious complaint was made at Halifax on behalf of the fruit growers in the Annapolis valley that the provision hereinbefore described as granted to the Niagara peninsula growers was discriminatory as against the Nova Scotia producers, but, when the matter was referred to at the hearing, Senator Smith and all other applicants herein were entirely willing that not only the Nova Scotia growers but British Columbia growers as well should receive the same treatment as they were receiving.

When the last Express Judgment was written, the following statement appeared:—

“Then again, we find that fruit is being shipped from Winona and other Ontario points to the Maritime Provinces under carload rates, and yet the car can be opened at every station between Campbellton or McAdam Junction and Sydney and a dozen or a hundred crates of fruit can be transhipped at junction points and carried over branch lines to destination, still at the carload rate. This condition existed in carrying fruit from Ontario points to Manitoba and Saskatchewan, but was corrected by the last Rate Judgment. On the other hand, the producer of fruit in the Annapolis valley receives no such privilege and is at a distinct disadvantage in distributing his product over the Maritime Provinces as compared with the Ontario shipper. Then, again, the shipper of fruit from British Columbia while he receives a fairly low rate as far east as Winnipeg, yet is entitled to no such advantages, but has the privilege of opening the car twice en route on the payment of \$5 for each opening. These discrepancies should not exist, and the express companies should so arrange their tariffs that all sections of the Dominion will be treated as nearly alike as it is possible to do considering the character of the business and the distances travelled.”

The result was that, when the express companies filed their tariffs, they removed the alleged discrimination by refusing to continue the carload rate heretofore enjoyed, and the present application is by the Ontario Fruit Growers' Association, etc., for an order directing the express companies to restore the previous arrangements for unlimited unloading of carload fruit and vegetables from stations in Ontario to points in the Maritime Provinces and Western Canada. This application was heard by the Board at Ottawa on the 17th of May when exhaustive argument and evidence were given both by the applicants and by the express companies in respect thereto.

The present rates provide that, wherever fruit can be shipped in carload lots, it shall be at the same rate as heretofore plus the 20 per cent general increase added by General Order No. 327. In addition to this, the express companies provide for two unloadings at the nominal sum of \$5 each, making three places at which the carload



## SESSIONAL PAPER No. 20c

of fruit can be distributed. The carload rate before the recent order was \$1.25 per 100 pounds to the Maritime Provinces and \$2 to Manitoba points. This has been increased by 20 per cent, making the present Maritime Province rate \$1.50 and the Manitoba rate \$2.40.

If this provision does not meet the requirements of shippers, they then have the privilege of shipping at the second class express rate, which varies according to mileage but is, roughly speaking, between 2½ and 3 times the carload rate.

It was stated in the evidence and not contradicted that the second class rate on an 11-quart basket of fruit would be about 10 cents greater by the l.c.l. rate than if shipped by the carload, but, in the l.c.l. movement the fruit is gathered and delivered by wagon service, which is not the case at the present time when shipped by the carload.

It was stated by the express companies that the present carload rate from Ontario to the Maritime Provinces on fruit was from 23 to 26 per cent of the first class express rates and about 33 to 40 per cent of the second class express rates. From Ontario to Manitoba points the percentage ranges from 24 to 36 per cent of the first class express rates on carloads and from 32 to 48 per cent of the second class on less than carloads.

The following table is instructive:—

|               | 1st<br>cl.<br>Exp. | 2nd<br>cl.<br>Exp. | C.L.<br>Exp. | % of<br>1st<br>cl. | % of<br>2nd | L.C.L.<br>Exp. | % of<br>1st<br>cl. | % of<br>2nd | 1st<br>cl.<br>Freight |
|---------------|--------------------|--------------------|--------------|--------------------|-------------|----------------|--------------------|-------------|-----------------------|
| Winona to—    |                    |                    |              |                    |             |                |                    |             |                       |
| St. John..... | 5.65               | 3.95               | 1.50         | 26.55              | 37.97       | 2.10           | 37.17              | 53.16       | 144                   |
| Moncton.....  | 5.95               | 4.10               | 1.50         | 25.21              | 36.59       | 2.10           | 35.29              | 51.22       | 144                   |
| Truro.....    | 6.60               | 4.60               | 1.50         | 22.72              | 32.60       | 2.10           | 31.82              | 45.66       | 148                   |
| Halifax.....  | 6.40               | 4.45               | 1.50         | 23.44              | 33.71       | 2.10           | 32.81              | 47.18       | 148                   |
| Sydney.....   | 7.30               | 5.05               | 2.10         | 28.77              | 41.58       | 2.70           | 36.99              | 43.47       | 162                   |

This shows that the carload rate is to-day just above the first-class freight rate to the principal points in the Maritime Provinces excepting Sydney, where it is considerably below the freight rate, and, according to the evidence of Mr. Ham, the actual cost, based upon 34.7 cents per car mile, of carrying a 20,000 pound car of fruit from Winona to St. John is \$301.20. The total express rate with the 20 per cent addition under the recent order would amount to \$300, and the l.c.l. rate is \$420. The cost of haulage to Moncton is \$332, the rate for a 20,000 pound car would be \$300, and the l.c.l. charge \$420. The cost of hauling the same car to Halifax would be \$396.63 the carload rate would be \$300 and the l.c.l. rate \$420. To Sydney, the cost of haulage is \$453, the carload rate \$420, and the l.c.l. rate \$540.

It will, therefore be seen that the total receipts for both railway and express companies by the carload are a little less than the actual cost of transporting the car, to say nothing of the return movement and whatever may have been the cost of placing the car for loading in the first instance, and, after all, this is the real question which this Board should consider.

It was strongly urged by Senator Smith and his associates that this business had been going on for more than twenty years, that a valuable business had been built up upon this basis, and that they strongly feared that they would not be able to compete with United States producers if the change were made permanent. It was alleged that the Ontario fruit, while more luscious, was more perishable than the American fruit, and strongly contended that without this concession they would be unable to carry on the business.

There may be and probably is something in the contention that the Ontario fruit deteriorates more rapidly than the American fruit, but I am unable to accept



12 GEORGE V, A. 1922

their arguments as being conclusive or even logical, because the American fruit enjoys no such shipping privileges and, in addition, is met with a rather severe duty on practically all fruit which could enter into competition with Canadian fruit.

The applicants contend that two unloadings will not in any way meet their requirements, and claim that goods shipped by the ordinary l.c.l. movement would not reach their destination in prime condition. As against this the express companies state that the l.c.l. fruit would be transported in the same cars as have been used heretofore or as will be used in the carload movement, and, as the express companies want the business, I think it is fair to assume they will look after the transportation side of it and see that the fruit receives proper treatment.

It, therefore, resolves itself, in my judgment, to a question of whether or not the additional 10 cents per basket of fruit is an unreasonable increase and whether the rate with the 10 cents added to it is an unfair and unjust rate to charge for carrying fruit from the Niagara peninsula to the Maritime Provinces.

Taking the evidence as to the costs and receipts hereinbefore referred to, it is not unreasonable, and I am not able to convince myself that it is the duty of this Board to order transportation companies to lose money in carrying goods in order that there may be no interference with an old established business. If that doctrine were to hold good then there never could be any change in railway or express rates or conditions. I realize that the fruit will cost the consumer probably more than it has heretofore done, and yet from the evidence produced the spread between what the producer in the Niagara peninsula received in the year 1920 for the fruit and vegetables and what the consumer paid was so great that the 10 cents per basket could easily be absorbed and yet leave a very handsome profit.

However, this is not the criterion upon which rates should be fixed, but rather is the rate proposed just and reasonable? I think it is, although, personally, I would much rather see the former conditions prevail. I realize it will necessitate some change in the method of carrying on business in the Maritime Provinces. No doubt a very great proportion of this fruit will still go forward in carload quantities, because the cities and towns which can take either a full carload or a carload with two openings and the final destination would absorb a very large proportion of the total quantity. The balance will probably be shipped in carload quantities to central points and there distributed at the l.c.l. rate, which will very materially reduce the 10 cent increase hereinbefore referred to. It may require the establishment of employees and offices at certain central points such as McAdam Junction, Newcastle, Moncton, and Truro, but these are small matters compared with the magnitude of the business. It may even, in some cases result in distribution by wholesale houses in the larger cities but this is a matter which the trade will work out as to it seems best.

For these reasons, much as I regret it, I am compelled to refuse the application and think the same should be dismissed.

*Judgment, Assistant Chief Commissioner McLean, July 18, 1921, concurred in by Commissioner Boyce.*

In my memorandum of concurrence dated February 2, 1921, in the judgment of the Chief Commissioner regarding the application by the Express Traffic Association of Canada for an increase in tolls, the following language was used:—

“The computations as to cost of carriage on the basis of 34.7 cents per express car mile are set out in the reasons for judgment by the Chief Commissioner. If the figure of 30.62 is taken, as referred to in the foregoing reasons, as being the figure which was advanced by Mr. Geary as showing actual costs per car mile, then the result on the mileage from Mulgrave to Montreal is as follows: Express car mile cost, \$272.51; freight charges on a basis of 30,000



## SESSIONAL PAPER No. 20c

pounds, \$180. That is to say, on a 50 per cent basis, the express company would receive \$136 as against a freight charge of \$180."

The judgment of the former Chief Commissioner, Sir Henry Drayton, in the Express Rate application of 1919, said judgment being dated July 17, 1919, stated that a rate of 34.7 cents an express car-mile for the transportation service was received by the Canadian Pacific, and that "in the light of the cost figures, not only of the privately owned but also the government systems, this return was reasonable."

The sections dealing with the jurisdiction given to the Board over express business are fundamentally toll sections. Section 360 provides:—

- (1) All express tolls are to be subject to the approval of the Board;
- (2) The Board may disallow a tariff, or portion thereof, which it considers unjust or unreasonable;
- (3) It may exercise all such powers regarding express tolls and tariffs "as it has or may exercise under this Act with respect to freight tolls and freight tariffs;
- (4) All provisions of the Act applicable to freight tolls and freight tariffs "in so far as such provisions are applicable and not inconsistent with the provisions of this section and the five next following sections (361-365) shall apply to express tolls and tariffs."

Section 364 sets out that the Board has jurisdiction to define carriage by express. The amendment of 1919, viz., "and may order that all such goods as the Board may think proper shall be carried by express" was put in because under the Act, as it formerly existed and had been construed by the Board, the obligation of the express company was only to carry such goods as it held itself out to carry.

Section 365 relates to the limitations of the contract of carriage.

Section 360, subsection 2, refers to disallowance. Under section 362, reference is made to the disallowance or suspension of a tariff by the Board.

The powers, the exercise of which is asked for in the present application, must be found in section 312, subsection 1 (e), which provides that the company shall "furnish such other service incidental to transportation as is customary or usual in connection with the business of the railway company as may be ordered by the Board."

As I read section 312, it does not apply to an express company. In the first place, section 312 starts out "the company" shall according to its powers—by subsection 4 of section 2 of the Railway Act, "company," where not otherwise stated or implied, means railway company unless immediately preceded by "any," "every," or "all," in which case it means every kind of company which the context will permit. The wording of section 312 read in connection with the definition as set out indicates that Section 312 is concerned with the business of a railway company. Subsection 1 (e) of section 312 refers to the service . . . . customary or usual in connection with the business of a "railway company." The section throughout refers to "the company" except in subsection 6 where authority is given the Board *inter alia* to direct that any specified systems or methods be taken . . . . "by any particular company or companies, or by railway companies generally." As pointed out the interpretation section gives a qualifying effect to the use of the word "any," i.e., it means every kind of company which the context will permit. The words "or by railway companies generally," above set out, clearly by context limit the word company to railway company. The words "any company" in subsection eight are similarly limited by context.

Further, section 312 is a facility section. It is true that by subsection 4 it is provided that the traffic taken shall be carried to and from and delivered at the places aforesaid (that is, the places referred to in sub-section 1 of the section) on due payment of the toll lawfully payable therefor; but the intent of the section is that the powers over tolls, e.g., in subsection 6, where it is provided the Board may order a



12 GEORGE V, A. 1922

specific work to be constructed or a specific toll to be charged, are incidental to and tied up with the Board's control in respect of the obligations of the railway as to facilities.

The fact that the Board's jurisdiction in regard to express companies is a rate jurisdiction has been set out in a memorandum of March 24, 1920, on Board's file No. 30081, which was published in Board's Orders and Judgments of April 15, 1920. In the memorandum in question, after citing the rulings of the Board of earlier dates, the following language was used:—

"In summary form, the Board's jurisdiction is as to tolls and contracts, etc., limiting liability, with the additional power conferred by section 364, amended, as already noted, by saying what may be carried by express. The Board is given no authority to direct an express company, *qua* express company to install facilities or to arrange that specific services shall be given at specific stations. It follows from this that so far as jurisdiction is concerned, the Board has no power to direct an express company to reinstate at a station or stations express facilities which it has removed, nor has the Board power as a matter of jurisdiction in the first instance to direct the installation of facilities at a station or stations."

Holding as I do that section 312 is a facility section, I am of opinion that under the interpretation of the Railway Act which has consistently been followed by the Board, section 312 does not apply to express companies, and that, therefore, the Board is without power to grant the application asked for.

APPLICATION SECURITY TRAFFIC BUREAU FOR RULING AS TO CONSTRUCTION OF ITEM 10,  
PAGE 34, SUPPLEMENT 10 TO CANADIAN FREIGHT CLASSIFICATION NO. 16

*Judgment, Assistant Chief Commissioner McLean, July 7, 1921, concurred in by Commissioners Boyce and Rutherford.*

Item 10, p. 34 of Supplement 10 to Canadian Freight Classification No. 16, reads as follows:—

Machinery and Machinery Parts, N.O.S.—

Under 1,000 pounds per piece—

|   |           |
|---|-----------|
| Not crated or boxed.. . . .   | 1½ L.C.L. |
| Crated or boxed.. . . .   | 1 L.C.L.  |
| 1,000 pounds or over, per piece, with connections and<br>small detached parts boxed.. . . . | 2 L.C.L.  |

The Security Traffic Bureau of St. Paul, Minn., writes in respect of the classification and rate applying on a shipment from St. Louis to the Lethbridge Brewing and Malting Company, billed from Minnesota Transfer. The total weight of the shipment was 3,140 pounds. It is stated that it consisted of four boxes of bottling machine repair parts; and that investigation showed one box, or piece, to weigh 1,047 pounds.

The Security Traffic Bureau contends that under the provisions of the classification as set out "One thousand pounds or over, per machine or portion of machine with connections and small detached parts boxed" means one thousand pounds per machine or portion of machine. The C.P.R. states that one box or piece weighed 1,047 pounds, and it is contended by it that the rate of second-class, attaching to a shipment of 1,000 pounds or over per piece, is limited to the shipment of 1,043 pounds; and that the other shipments, being in each case less than 1,000 pounds, are subject to a rate of first-class.



## SESSIONAL PAPER No. 20c

What really is in contest is whether, as contended by the applicant, the machine being 1,000 pounds or over, that each piece, regardless of weight, moves on a second-class rating, or whether, as contended by the railway, each piece must be 1,000 pounds or over to obtain the second-class rating thereon.

The matter is submitted to the Board for a ruling by the Security Traffic Bureau. Copies of the correspondence interchanged with the freight claims agent of the Canadian Pacific are submitted.

As a matter of construction of the classification the words "one thousand pounds or over" are to be read as qualifying the words "per piece"; that is to say, where there is a shipment of a piece of machinery 1,000 pounds or over, the second-class rate applies, and where there is a shipment of machinery of less than 1,000 pounds crated or boxed, the first-class rate L.C.L. applies.

## ADVANCE IN PASSENGER TOLLS, NIPISSING CENTRAL RAILWAY COMPANY

*Judgment, Assistant Chief Commissioner McLean, July 18, 1921, concurred in by Commissioner Boyce.*

## I

Application is made by the Nipissing Central Railway Company for an increase in its passenger rates. The application was heard at Haileybury, Ont., on May 14. The towns of New Liskeard and Haileybury were represented by counsel; the township of Bucke, in which the town of North Cobalt is located, was represented by its reeve.

On account of the statistical data presented at the hearing, it was arranged that the parties representing the interests opposing the application should have an opportunity to file written memoranda. Copies of said written memoranda were to go to counsel for the railway company and thereafter the railway company was to file its reply. The material in this regard is now before the Board. The only one of the parties which filed a supplementary memorandum was the town of New Liskeard. The reply of the railway company thereto has been received.

The Nipissing Central Railway Company is an electric line between Cobalt and New Liskeard, which operates in part on its own right of way and in part on the right of way of the Temiscaming and Northern Ontario Railway. The mileage is distributed as follows:—

|   | Miles |
|---|-------|
| Nipissing Central from North Cobalt to Haileybury.. . . . .                         | 3.44  |
| Nipissing Central in New Liskeard.. . . . .   | 1.48  |
| Temiscaming and Northern Ontario right of way, Haileybury to New Liskeard.. . . . . | 3.09  |
| Temiscaming and Northern Ontario right of way, Cobalt to Kerr Lake                  | 7.36  |
| Total.. . . . .   | 15.37 |

The Nipissing Central Railway Company was incorporated by Dominion legislation. It has an authorized capital stock of \$1,000,000 common, of which \$530,000 par value are outstanding, the balance being in the treasury. This sum of \$530,000 issued as fully paid outstanding stock was acquired by the Temiscaming and Northern Ontario in 1911. The railway is operated by the Temiscaming and Northern Ontario Railway Commission. As returned in the annual report of the railway for the calendar year ending December 31, 1920, the directors of the Nipissing Central are the chairman of the Temiscaming and Northern Ontario Railway Commission and three of the general officials of that commission. The general officers of the Temiscaming and Northern Ontario Railway are also the general officers of the Nipissing Central Railway. These directors hold all stock issued in trust for the province of Ontario.



The railway is operated under five franchises. One of these is from the town of New Liskeard; then there is a franchise through a small piece of the township of Dymond, which is located adjacent to New Liskeard; there is then a franchise from the township of Bucke; a franchise from the town of Haileybury; and a further franchise from the township covering to North Cobalt. The franchise arrangements are for twenty-year periods. There are provisions contained therein, with the exception of the franchise from the township of Dymond, as to limitation of fares.

Subject to what is set out below as to protests against the increase, there is no objection raised on the ground that the Board is without power to interfere with rates covered by franchise. The matter was referred to incidentally at the hearing, and counsel for the railway pointed out the Board's jurisdiction in this respect. No exception was taken to this by counsel for those opposing the application. As to the Board's jurisdiction in regard to rates covered by franchise, see *Montreal and Southern Counties Railway Company v. Town of Greenfield Park et al.* 23 Can. Ry. Cas, 106. at p. 113.

II

The rates which the railway proposes to put in are set out in the following statement which indicates in brackets the existing rates:—

|   |      |         |                       |
|---|------|---------|-----------------------|
| Fares between Cobalt and Haileybury.. . . .                           | (10) | 15c. or | 8 tickets for \$1.00  |
| Between North Cobalt and Haileybury or Cobalt.. . .                   |      | 10c. or | 12 tickets for \$1.00 |
| Between points within the town limits of Haileybury or Cobalt.. . . . | (5)  | 7c. or  | 4 tickets for 25c.    |
| Between Cobalt and Kerr Lake and intermediate points.. . . .          | (10) | 15c. or | 8 tickets for \$1.00  |
| Between New Liskeard and Haileybury.. . . .                           | (10) | 15c. or | 8 tickets for \$1.00  |
| Between points within the town limit of New Liskeard                  | (5)  | 7c. or  | 4 tickets for 25c.    |
| Between New Liskeard and Cobalt.. . . .                               | (20) | 30c. or | 4 tickets for \$1.00  |

TEN (10) RIDE SCHOLAR'S TICKETS

|  |      |      |
|--|------|------|
| Between—   |      |      |
| Cobalt, Haileybury and intermediate points.. . . .       | (25) | 30c. |
| New Liskeard, Haileybury and intermediate points.. . . . | (25) | 30c. |
| Cobalt, Kerr Lake and intermediate points.. . . .        | (25) | 30c. |

Conditions:—  
These tickets good only on days on which school is in session going to and from school and which will not be honored at any other time of day or on Saturdays. Sundays, or holidays will be sold to scholars only on presentation of certificate bearing the personal signature of the Principal of the School, certifying that the applicant is a regular attendant of his school under eighteen (18) years of age and properly entitled to use these tickets.

Twenty-one (21) Ride Workmen's Tickets

\* Good for passage between the hours of 5.00 to 7.30 a.m. and 4.45 to 7.00 p.m., daily except Sunday.

|  |  |        |
|--|--|--------|
| Between—   |  |        |
| Cobalt and Kerr Lake and intermediate points (1.00).. . . .        |  | \$1.25 |
| Cobalt and Haileybury and intermediate points (1.00) . . . . .     |  | 1.25   |
| New Liskeard and Haileybury and intermediate points (1.00).. . . . |  | 1.25   |
| New Liskeard and Cobalt and intermediate points (2.00) . . . . .   |  | 2.50   |

\* See note.  
Note.—On car leaving Cobalt at 6.45 p.m., also on car leaving New Liskeard 6.45 p.m., workmen's tickets will be accepted as far as Haileybury only.

The effect of what is proposed is set out by the railway in Exhibit No. 9, as follows:—

MEMO. RE AVERAGE FARE PER PASSENGER FOR YEAR 1920 AND ESTIMATED AVERAGE FARE UNDER PROPOSED TARIFF NO. 21, YEAR ENDED OCTOBER 31, 1920

|                    | No. of<br>Passengers | Revenue | Average<br>Fare |
|--------------------|----------------------|---------|-----------------|
|                    | ¢                    | ¢       | cts.            |
| Workmen . . . . .  | 19.3                 | 11.8    | 4.76            |
| Scholars . . . . . | 3.7                  | 1.1     | 2.5             |



SESSIONAL PAPER No. 20c

|               | Present Fares |          | Proposed Fares |          |                   |
|---------------|---------------|----------|----------------|----------|-------------------|
|               | Cash          | Tickets  | Cash           | Tickets  | Estimated Average |
|               |               | cts.     |                | cts.     | cts.              |
| Workmen.....  |               | 4.76     |                | 5.95     | 5.95              |
| Scholars..... |               | 2.50     |                | 3.00     | 3.00              |
| Local.....    | 5.0           |          | 7.0            | 6.25     | 6.30              |
| Standard..... | 10.0          |          | 15.0           | 12.50    |                   |
|               |               |          | 10.0           | 8.33     | 12.50             |
|               | Per Cent      | Present  |                | Proposed |                   |
| Workmen.....  | 19            | 4.76     | 90.60          | 5.95     | 113.05            |
| Scholars..... | 4             | 2.5      | 10.00          | 3.0      | 12.00             |
| Local.....    | 16            | 5.0      | 80.00          | 6.4      | 102.40            |
| Standard..... | 61            | 10.0     | 610.00         | 12.5     | 762.50            |
|               | 100           |          | 790.60         |          | 989.95            |
| Average.....  |               |          | 7.9c.          |          | 9.9c.             |
|               |               | Increase |                | or       | 2.0c.<br>25.5%.   |

The town of North Cobalt takes the position that it is especially affected by the proposed change in workmen's tickets. The reeve of the township of Bucke, in which North Cobalt is located, stated the only protest from the township was on the ground of workmen's tickets. He pointed out that the township was more affected than any of the other municipalities; that North Cobalt was located in the township in question and was a workmen's townsite; that a considerable number of workmen lived there who worked in Cobalt; and he was of opinion that an increase would bear more severely upon North Cobalt than on any other municipality.

There was also a statement by the township of Bucke that an early car should be run as set out in the franchise.

The railway's submission in this regard was that the franchise covered, as to fares, workmen's fares in the township of Bucke between 5.20 a.m. and 7.30 a.m., and between the same hours in the evening, but that the railway had in practice been granting workmen's tickets over a more extended period. It was also pointed out by the railway that while the franchise of the township of Bucke made no provision for scholars' tickets, the railway had been giving ten tickets for 25 cents to bona fide scholars; and that the same thing applied in the case of Haileybury and New Liskeard.

III

Counsel for the town of Haileybury at the hearing raised the question of the alleged expensive operation of the Kerr Lake section, and the possibility of economies being effected by curtailment of service in connection therewith. This is considered later.

As pointed out, the township of Bucke took the position that it was especially interested in workmen's tickets. The town of Haileybury has made no representation on this subject. The town of New Liskeard has stated it has no objection to a revision of rates in this respect. It has also intimated at some length that economies are obtainable in connection with the operation of the Kerr Lake section, which it regards as being unprofitable.



## IV

The fiscal year of the Nipissing Central Railway Company ends October 31. Exhibit No. 3 as filed gives a comparative statement of the earnings, expenditures and result of operation for the fiscal years 1915 to 1920. For 1915, there was, after deduction of taxes and rental for leased road, a net of \$25,094.99. For 1916, there was a net of \$22,197.45. For 1917 to 1920, inclusive, there has been a deficit, the figures being for 1917, \$4,632.57; 1918, \$8,727.13; 1919, \$3,271.74; 1920, \$24,068.19.

The total revenue of the Nipissing Central Railway Company in 1915 was, in round numbers, \$106,000. In 1920, it was \$120,000. These are the gross figures. Counsel for New Liskeard in his written submission, possibly through an error in typewriting, refers to these figures as if they represented a net revenue. Of the increase of approximately \$14,000 in gross revenue between 1915 and 1920, \$12,000 are attributable to passenger car revenue. The total receipts for the period have had an irregular movement—in 1915, \$106,000; in 1916, \$110,000. Then in 1917 and 1918, they fell to \$93,000 and \$96,000 respectively. There was an increase to \$108,000 in 1919, and the 1920 figures are as indicated.

The business is predominatingly a passenger one. In 1920, the passenger car revenue was 88.43 per cent of the total transportation revenue. The ruling percentage has been in the period in question from 84 per cent to 86 per cent. In 1919, it runs to 91 per cent, but this was due not only to an increase in passenger car revenue but also to a decrease in the freight and switching revenue. The freight and switching revenue for 1920 was, in round numbers, 10 per cent; in 1919, 7 per cent; while in the period from 1915 to 1918 it averaged from 12 per cent to 14 per cent. Miscellaneous revenue is responsible for from 1 per cent to 1.3 per cent.

The freight carried is all concerned with the movement on switching rates.

Exhibit No. 5 filed at the hearing gives a comparative statement of earnings, expenditures and results of operation for five months from November 1, 1920, to March 31, 1921. This shows a total revenue from all sources for this period of \$42,285.75. Of this, 88.8 per cent is represented by passenger revenue.

After deducting operating expenses and allowing for other income of \$125.21 under the heading of interest, there is a debit of \$14,390.18; and making a further deduction from income for rent for leased road in the period in question, amounting to \$3,671.55, there is a debit of \$18,061.73.

On the figures as represented, the operating ratio for the fiscal year 1920 was 111.5 per cent, and for the five months ending March 31, 1921, 134.3 per cent.

Exception was taken in the course of the hearing and in the written submission of the town of New Liskeard to the propriety of the amount shown for rentals, as well as to the propriety of the amount shown as expended on maintenance of equipment. These items require, in connection with other details, further consideration. Subject to this, reference may be made to the figures available as bearing on the present condition of the railway. The Exhibit covering the five months ending March 31, 1921, was objected to at the hearing as not being characteristic, since it covered a period of the year in which traffic might be expected to be less heavy and operating expenses not only proportionately but absolutely greater.

## V.

In order to obtain figures covering up to the latest date possible, a special return has been called for by the Board since the hearing. The latest possible date for which information is available as to earnings, expenditures and results of operation of the railway is to May 31, 1921; and the Board has now before it a detailed statement covering this seven months' period.

For the seven-months' period in question, the total revenue was \$59,207.68. Of this, the passenger revenue represented in absolute figures \$52,069.47, and in percentage 88 per cent. The total revenue for the seven-months' period in question as com-



## SESSIONAL PAPER No. 20c

pared with the corresponding period in 1920 was \$59,207.68, against \$67,807.38; that is to say, for the seven-months' period in 1921 there was a gross decrease of \$8,600. Practically all of this was in passenger revenue, the decrease in this respect being \$6,170. The total revenue for the seven months ending May 31, 1921, fell short of that for the same period in 1920 by 13 per cent.

The total expenditures for way and structures, equipment, power, conducting transportation, traffic general and miscellaneous amounted to \$89,390.42, as against \$69,485.04 in the same period for 1920. Taking into consideration interest, rent for leased road, and taxes, there was a deficit for the period in question of \$35,964.70, as against \$7,018.12 in the corresponding period in 1920.

Of the increase of \$19,805 in the 1921 operating figures over the 1920 figures, \$14,311 is under the item of equipment.

As pointed out, the total revenue for the seven months ending May, 1921, was \$59,207.68, of which \$52,937.97 were obtained from passenger revenue, baggage revenue, and special car revenue. Taking this as representing the total passenger revenue and extending it on a 12-months' basis, the result would be \$90,750.81 for a projected year. Similarly extending the items of freight and switching and revenue from other operations, the respective figures would be \$9,308.07 and \$1,440.00, giving a total for a year projected on the seven months in question amounting to \$101,498.88. This is open to the criticism that the seven months in question are not characteristic, so, instead of taking this basis the comparative figures for the same seven-months' period in 1920 may be taken. From a check, it appears that the passenger revenue for the seven months in question amounts to 56.3 per cent of the actual total for the year 1920, freight and switching to 57.4 per cent, revenue from other operations 48.1 per cent, operating expenses 51.7 per cent.

Applying these percentages to the seven months of 1921 in order to obtain a projected year by extending it for the balance of 1921, a return of \$94,028.38 is obtained for passenger business; \$9,446.26 for freight and switching; \$1,745.30 for revenue from other operations; making a total for the projected year computed on the basis indicated of \$105,219.94. The computed figure of \$94,028.38 for passenger revenue may be compared with the figure of \$103,078.36, the actual figure for 1920, and the total of the computed revenue of \$105,000, in round numbers, may be compared with the actual revenue of \$120,000 for 1920.

The operating expenses for the period in question are shown as \$89,390.42. If extended on a monthly basis, the computed result would give \$152,857.61. The operating expenses for the seven months ending May, 1920, were 51.7 per cent of the total operating expenses for that year. Applying this percentage, the computed operating expenses for the year ending October, 1921, would be \$172,523.

## VI

The company is not asking for a return upon the common stock. The investment in the road is set out by the company as amounting in all to \$783,936.73. This is made up of roadway, including ties, rails, fastenings, wires, poles, etc., amounting to \$316,576.26; equipment, cars, etc., \$120,363.47; making a total for these items of \$444,937.73. Then it is claimed that the value of the right-of-way and facilities of the Temiscaming and Northern Ontario, which are used exclusively by the Nipissing Central Railway, amount to \$339,000, giving a total of \$783,936.73.

As to the Temiscaming and Northern Ontario's facilities, this requires consideration in connection with the matter of rentals. As to the items of investment in road and equipment referred to, an analysis of these does not appear to be necessary as the company is not asking for return on the investment.

From the figures as presented in the returns to the Dominion Government for the calendar years 1919 and 1920, figures showing the passengers per passenger car-mile may be computed as follows:—



12 GEORGE V, A. 1922

|   | 1919<br>4.3 | 1920<br>4.6    |           |
|---|-------------|----------------|-----------|
|   | 1919        |                |           |
| Car earnings per passenger car mile amounted to.. |             | 38.36 cts.     |           |
| Miscellaneous earnings per car mile .. .. .       |             | 0.85 "         |           |
|   |             | <hr/>          |           |
|   |             | 39.21 "        |           |
| Operating expenses and taxes per car mile ..      |             | 36.04 "        |           |
|   |             | <hr/>          |           |
|   |             |                | 3.17 cts. |
|   | 1920        |                |           |
| Car earnings per passenger car mile amounted to.. |             | 40.86 cts.     |           |
| Miscellaneous earnings per car mile.. .. .        |             | 1.27 "         |           |
|   |             | <hr/>          |           |
|   |             | 42.13 "        |           |
| Operating expenses and taxes per car mile.. .. .  |             | 50.03 " (def.) | 8.10 "    |

Exhibit No. 7 sets out a comparison between the car-mile expenses for the fiscal years 1915 and 1920. In 1915, the operating expenses per passenger car-mile were 22 cents. In 1920, they were 41 cents. It is, of course, apparent that on account of there being portions of 1919 and 1920 included in the fiscal year 1920 the figures given are not comparable with those of the calendar year.

Exhibit No. 4 filed by the railway comparing wages for 1915 and 1920 shows 98 per cent of an increase in 1920 over 1915. Prices are shown as having an increase of 149 per cent. There is also set out an estimate of the cost of maintaining the track leased to the Nipissing Central Railway Company with total expenses for maintenance-of-way and structures. The average maintenance cost was in 1915, \$531 per mile; in 1920, \$1,454. Further reducing this the average maintenance cost per lineal foot in 1915 was 10.05 cents; in 1920, 27.05 cents.

Exception is taken in the written submission of the town of New Liskeard to the figures cited as to wages, it being contended that the rate of wages as shown is the highest reached in the years 1920 and 1921, and reference is made to the probable decrease in wages. It is also contended by New Liskeard that in the matter of prices 1915 was an unfair basis as there was then a decline, while the period 1920 and 1921 represents the peak. The railway contests the allegation that 1915 was an unusually low year, and also sets out that 1921 prices quoted are actual present prices. The railway states that with the exception of trackmen's wages all wages on the Nipissing Central are at present lower than the standard rates on steam railways, and the readjustment will, therefore, probably proceed more slowly.

## VII

The amounts charged by the Temiscaming and Northern Ontario Railway Company against the Nipissing Central Railway Company during the month of March, 1921, are as set out in exhibit 10 as follows:—

|   |            |        |  |
|---|------------|--------|--|
| 50 per cent cost of lighting Cobalt station.. . . .                                 | \$         | 17 71  |  |
| 50 per cent wages of Caretaker Quibell, Cobalt station.. . . .                      |            | 50 00  |  |
| Work performed by T. & N.O. Ry., Sections 55-6, as per Payroll Distribution.. . . . |            | 839 71 |  |
| Proportion of salary of Chief Electrician, 1 month at \$215 at 30 per cent.. . . .  |            | 64.50  |  |
| Rental of Joint Facilities, Running Rights, etc., as per agreement                  |            |        |  |
| Section 1—Kerr Lake Junction to North Cobalt—                                       |            |        |  |
| Interest .. . . .   | \$4,365 00 |        |  |
| Maintenance .. . . .  | 1,900 00   |        |  |
|   | <hr/>      |        |  |
| Per year.. . . .  | \$6,265 00 | 522 00 |  |
| Section 2—Haileybury Spur to New Liskeard—  |            |        |  |
| Interest.. . . .  | \$1,800 00 |        |  |
| Maintenance.. . . .   | 900 00     |        |  |
|   | <hr/>      |        |  |
| Per year.. . . .  | \$2,790 00 | 232 50 |  |
| Section 3—Haileybury Spur—  |            |        |  |
| Interest.. . . .  | \$1,000 00 |        |  |
|   | <hr/>      |        |  |
| Per year.. . . .  | \$1,000 00 | 83 33  |  |



## SESSIONAL PAPER No. 20c

|   |          |            |
|---|----------|------------|
| Section 4—Kerr Lake Branch—                                   |          |            |
| 10 per cent gross earnings. (Earnings \$1,165.95—March, 1921) |          | 116 60     |
| Clerical services—Cobalt staff—                               |          |            |
| Per year.. . . . .  | \$300 00 | 25 00      |
| Rental for use of Cobalt station—                             |          |            |
| Per year.. . . . .  | 300 00   | 25 00      |
|   |          | <hr/>      |
|   |          | \$1,976 35 |

In explanation of the detail set out in exhibit No. 10, the Chief Engineer, Mr. Clement, was put on the stand. In the case of the Kerr Lake Branch, where 10 per cent of the gross earnings are paid as rental, he set out that the actual cost of this branch, according to the Temiscaming and Northern Ontario ledger account, was \$175,000, or some \$35,000 to the mile, which he considers as not being excessive in view of the fact that it was through a rough mining country. He stated that under the system of rental arrangements existing, the Nipissing Central is paying less than 1 per cent on the ledger value of the system. The Haileybury spur includes 1½ miles of track which was put in at \$25,000. The railway is utilizing an exclusive track of the Temiscaming and Northern Ontario Railway between Kerr Lake Junction and North Cobalt, and also on a stretch north of that town. The cost of this exclusive track, including road-bed and track, was stated to be \$139,000. In a summary way, it is stated that the total cost of facilities which the Nipissing Central Railway leases from the Temiscaming and Northern Ontario is \$339,000, and the rental being paid therefor is 2.8 per cent.

The trackage covered by the rentals is approximately 11 miles. The total rental as shown is \$9,761.43. If this were capitalized at 5 per cent, it would mean a capital value of \$195,228, which would represent \$17,748 per mile of track. In *Montreal and Southern Counties Ry. Co. v. Town of Greenfield Park et al*, 23 Can. Ry. Cas., 106, at p. 110, the Montreal and Southern Counties Railway Company had track leased from the Central Vermont Railway. The rental in respect of running rights of 24.3 miles was figured as being equivalent to 5 per cent on \$440,540, which would represent a capital stock of \$17,412 per mile of railway. This was held to be a reasonable charge.

Various allegations were made in regard to the rentals paid to the Temiscaming and Northern Ontario Railway being excessive, but in view of the specific finding of the Board in the case above cited, I do not consider the rentals unreasonable.

## VIII

As pointed out, the railway is operated by the general officials of the Temiscaming and Northern Ontario Railway. The 1919 report to the Dominion Government does not show any charges to the Nipissing Central for the salaries of general officers. It was stated by counsel for the railway at the hearing that a few exceptions were charged to the Temiscaming and Northern Ontario Railway Commission. Exhibit No. 10, which has already been quoted above, shows the charges of the Temiscaming and Northern Ontario Railway against the Nipissing Central during the month of March, 1921.

## IX

In the course of the hearing, Commissioner Boyce drew the attention of counsel for the railway to the fact that while the maintenance of equipment for the fiscal year 1919 amounted, in round numbers, to \$14,000, in 1920 it had increased to \$28,000, and the reason for this increase was asked. Counsel stated that one factor was a collision between two cars which involved expensive repairs amounting, in round numbers, to some \$7,000.



The chief engineer of the railway, in explanation of the figures, stated as follows:—

“The Board will notice that in 1915 and 1916 the expenditure was very low. We had some new equipment and we carried no depreciation accounts. Our repairs to the motor equipment were particularly low and we did not have heavy painting on the cars. That gradually increased until 1917 and 1918. Then there was a slight recession in 1919, which makes the 1920 figure look particularly large. Mr. Parmenter has referred to an accident, a casualty, where we had to put two cars into the shop for very heavy repairs. They were badly demolished, one end of each car. Then in 1919, there was a recession in our maintenance; we could not obtain men; and in 1920 there was an element of deferred maintenance and also an element of a special repair, and there is also a very substantial further increase in the rates of pay as compared with 1919.”

It was further stated by him that the equipment repairs, under present conditions, would be as a minimum 7 to 8 cents per car-mile. It was pointed out that the railway had a limited number of cars; that it had no large shop in which they could be repaired; and that in this regard the railway was at a disadvantage in comparison with some of the other larger roads. He concluded, therefore, that the cost of 8 cents per mile without any casualties and without carrying depreciation accounts would result in an item of from \$24,000 to \$25,000 a year.

The passenger car mileage for the calendar year 1920, as reported to the Dominion Government, is 280,353. This at 8 cents per car-mile would give a charge of \$20,428 for ordinary maintenance of equipment. The total as shown in the report for the same year is \$30,172.18.

Counsel undertook to file a statement showing how the item of maintenance of equipment for the fiscal year ending October, 1920, was made up. This information is set out in his written submission in the following terms:—

“At the sittings of the Board of Railway Commissioners for Canada held at Haileybury on the 14th day of May, 1921, the Nipissing Central Railway Company was requested by the Board to furnish details of the item of \$28,498.72 shown in exhibit 3 as expenditures for maintenance of equipment for the fiscal year ending October 31, 1920. In accordance with the Board's request, the following details of the item in question are hereby respectfully submitted:—

|  |             |
|--|-------------|
| (a) Superintendence of equipment.. . . .   | \$ 200 22   |
| (b) Passenger and combination cars.. . . . | 17,230 75   |
| (c) Freight, express and mail cars.. . . . | 272 19      |
| (d) Service and equipment.. . . .          | 1,682 46    |
| (e) Electric equipment of cars.. . . .     | 8,389 12    |
| (f) Shop equipment.. . . .                 | 170 23      |
| (g) Shop expenses.. . . .                  | 553 77      |
|  | <hr/>       |
|  | \$28,498 72 |

“In explanation of these figures, it should be pointed out that the work represented by the larger items was performed by the Temiscaming and Northern Ontario Railway Commission for the Nipissing Central Railway Company at North Bay at actual cost including shop expenses, and nothing was paid the Temiscaming and Northern Ontario Railway Commission as profit.

“Item (b) includes the cost of general repairs to two passenger cars which were seriously damaged by collision. The repairs to one of these cars were



## SESSIONAL PAPER No. 20c

directly attributable to the accident, but the other car in addition to repairs made necessary as a result of the accident requiring general repairs due to ordinary service.

"It is submitted that as the company has been making no charge for depreciation on equipment or otherwise, a substantial margin should be allowed to cover such contingencies as collisions, derailments and other similar mishaps in order that the Company may be in a position to maintain its equipment up to the high standard of efficiency at which it has heretofore been maintained without being confronted with an annual operating deficit such as has occurred as a result of its operations during the years 1918, 1919 and 1920. Having regard to the general increased cost of material and labour, the efficiency of the service provided and the high standard of the company's equipment, it cannot be said that the cost of maintaining such equipment for the year ending October 31, 1920, was excessive. It is estimated that the company's expenditures for maintenance of equipment for the year ending October 31, 1921, without making any allowance for untoward contingencies such as collisions, derailments, etc., will be approximately \$22,000 to \$24,000. Railway statistics for the year ending June 30, 1919, show that the relation between operating expenses and gross earnings as applied to maintenance of equipment on the Hamilton, Grimsby and Beamsville Railway and the Niagara and St. Catharines Railway was 15.85 per cent and 13.9 per cent respectively, while on the Nipissing Central it was 13.62 per cent. It will thus be seen that the Nipissing Central compares very favourably in the matter of cost of maintenance of equipment with the two electric railways mentioned. In the case of the Hamilton, Grimsby and Beamsville Railway the Board has already ruled that it was justified in applying for leave to increase its passenger fares; also in the case of the London and Port Stanley and the Montreal and Southern Counties Railways increases were granted."

From the figures presented in exhibit No. 3, the total operating expense for the fiscal year 1919 was \$102,140.11, while for the fiscal year 1920 it was \$134,217.70, an increase of \$32,077. The significant feature in this increase was maintenance of equipment, with an increase of \$13,698.25, and conducting transportation with an increase of \$10,322.51. These two items are responsible for \$24,020 of the increase, or, in terms of percentage, 74 per cent.

## X

An analysis of the 1919 returns of twenty-three electric lines Fort William and east, excluding the Nipissing Central, shows varying percentage relations between maintenance of equipment and operating expenses. A significant feature is that of the Montreal Tramways with a percentage of 21.07. This is significant in view of the fact that the road is on a cost plus basis and the various factors entering into cost are at the same time subject to the scrutiny of a special Commission.

A check of the operating expenses for the lines involved shows that maintenance of equipment bears an average ratio of 17.1 per cent to total operating expenses. This average figure covers electric lines of varying sizes operating under different conditions. It includes the Montreal Tramways, subject to a special commission, as already indicated, and the Toronto Street Railway with a percentage of 15.3; and this railway has been criticized in regard to alleged delinquencies in respect of maintenance. The list of railways includes, also, interurban lines. Some of the lines have been operating for a considerable number of years; others of them have been in operation a shorter period. The choice made affords a fair average index.

For the fiscal years 1919 and 1920, the Nipissing Central Railway spent on maintenance of equipment 11.48 per cent and 21.2 per cent of the gross operating expenses



12 GEORGE V, A. 1922

respectively. A further analysis of the figures shows that the contributions to maintenance of equipment have been irregular and point to there having been considerable deferred maintenance. The percentages borne by maintenance of equipment to operating expenses for the period 1915 to 1920 are as follows:—

| 1915         | 1916         | 1917          | 1918          | 1919          | 1920          |
|--------------|--------------|---------------|---------------|---------------|---------------|
| 7.3 per cent | 6.7 per cent | 15.5 per cent | 17.7 per cent | 14.4 per cent | 21.2 per cent |

The sums spent on maintenance and equipment in the period in question amounted to \$83,246. If the average figure of 1919, viz., 14.4 per cent, had been spread evenly over the period in question, the total would have been \$81,732, or \$1,500 less than was actually expended.

The twenty-three lines chosen are located in Ontario, Quebec, and the Maritime Provinces. If the choice is limited to Ontario, including Fort William and east thereof, the average for fourteen lines is 13.7. per cent. Considering the location of the Nipissing Central Railway, the 14.4 per cent of 1919 is not out of line. Further, the expenditures on maintenance of equipment are not to be judged by one year's expenditure alone; and I am of the opinion that, on the average, the expenditure is reasonable.

## XI

While allocation of costs on a gross revenue basis is open to criticism, the criticism is less pertinent when, as in the present case, one type of traffic covers the bulk of the traffic earnings. The 1920 figures set out a deficit of \$24,068.19. Allocating costs on a gross revenue basis, 85 per cent of the total revenue in 1920 being from passenger traffic, the same percentage may be applied to total operating expenses, taxes and rentals. The items in question total \$144,328. Allocating 85 per cent to this, the passenger business contribution to cost should be \$122,678. Since passenger revenue amounted to \$103,078, passenger receipts thus fall short of passenger costs by \$19,000.

Putting the figures in summary comparative form for the latest period available, viz, the seven months' period ending May, 1921, as compared with 1920, the following comparisons are available:—

|   |          |
|---|----------|
| (1) Deficit in period ending May, 1921.. . . .  | \$35,964 |
| (2) Decrease in passenger revenue in 1921 as compared with 1920   | 6,170    |
| (3) Decrease in total revenue, <i>ibid.</i> .. . . .  | 8,600    |
| (4) Decrease in operating expense, <i>ibid.</i> ....  | 19,900   |
| (5) Decrease in rental, <i>ibid.</i> .. . . .   | 618      |
| (6) Decrease in taxes, <i>ibid.</i> .. . . .  | 373      |
| (7) Passenger revenue percentage of total revenue.. . . .   | 89%      |
| (8) Passenger percentage of total cost, or 89 per cent of operating expense, rent and taxes, or 89 per cent of \$95,172.. . . . | 84,693   |
| (9) Difference between passenger percentage of total cost and passenger revenue, or \$84,693 less \$52,937 .. . . .             | 31,756   |

## XII

In the discussion which has taken place, attention has been called to the lighter traffic of the Kerr Lake Branch.

The service between New Liskeard, Haileybury, Cobalt and Kerr Lake, taking the month of March, 1921, as typical, is set out in exhibit No. 8, as follows:—

|                                    | Cars        |              |
|------------------------------------|-------------|--------------|
|                                    | Round trips | Single trips |
| Kerr Lake to Cobalt.. . . .        | 18          | 36           |
| Cobalt to Haileybury.. . . .       | 35          | 70           |
| Haileybury to New Liskeard.. . . . | 18          | 36           |



## SESSIONAL PAPER No. 20c

At the hearing, a statement was submitted by counsel for the railway showing the passenger traffic during the month of March as taken by a special count. The daily figures are—

|                                 |       |
|---------------------------------|-------|
| From Kerr Lake to Cobalt.. .. . | 362   |
| Cobalt to Haileybury.. .. .     | 2,068 |
| Haileybury to Cobalt.. .. .     | 697   |

that is to say, of the total 3,127 passengers per day, the traffic between Cobalt and Haileybury represented 66.4 per cent, Haileybury to New Liskeard, 22.3 per cent, leaving a percentage of 11.3 per cent for the traffic Kerr Lake to Cobalt.

If the daily traffic of 3,127 set out is taken as a measure of the yearly traffic, the result is as follows: 1,141,355. The figures for the calendar years 1919 and 1920 as returned to the Government showed respectively 1,253,599 and 1,293,137.

Counsel for the town of Haileybury, at the hearing, submitted that, in general, the Kerr Lake Branch caused a good deal of the expense of operation of the Nipissing Central. He stated this was a matter of general opinion, subject to correction, since he had made only a casual investigation. He said, however, there was very little traffic from Cobalt to Kerr Lake and there was likely to be less, and there did not appear to be any prospect of any increase in business from Cobalt to Kerr Lake.

Counsel for the town of New Liskeard in his written submission used the following language:—

“Four cars are apparently necessary to carry out the present schedule between these different points. The fact being admitted that the Kerr Lake to Cobalt Branch is largely responsible for the loss sustained by this railway, it seems clear that the remaining part of the road from Cobalt to New Liskeard should not be penalized in order to maintain the unproductive portion between Cobalt and Kerr Lake, which was not originally, nor has it ever been, incorporated as part of the Nipissing Central Railway, but was simply leased from the T. & N. O. Railway as a matter of expediency for the time being. One-half of the cars and one-half of the crews are at the present time required to operate this unproductive part of the road from Cobalt to Kerr Lake, including the one-half hour service between Cobalt and Haileybury. The plan to be adopted is obvious.”

He further stated that the Kerr Lake Branch showed a very large expenditure as compared with other sections of the Nipissing Central as now operating, and he contended this emphasized the reasons already given for the discontinuance of the lease from the Temiscaming and Northern Ontario to the Nipissing Central of this portion of the road.

Attached to the written submission of counsel for the railway is detail in regard to the earnings of the Kerr Lake Branch. From August 1, 1913, to July 31, 1914, an average monthly revenue of \$1,227.64 was received. At this time, the freight revenue was to passenger revenue almost as three to one. The passenger revenue amounted to only some \$330 per month. The road was at that time operated by the Temiscaming and Northern Ontario. The expenses were differentiated and showed an average monthly expense of \$911.72. The first year the Kerr Lake Branch was operated by the Nipissing Central was from August 1, 1914, to July 31, 1915. This shows—

|   | Total<br>Receipts<br>per month | Passenger<br>Revenue<br>per month |
|---|--------------------------------|-----------------------------------|
| August 1, 1914 to July 31, 1915.. .. .      | \$1,587                        | \$1,176                           |
| November 1, 1915 to October 31, 1916.. .. . | 1,763                          | 1,328                             |
| 1916-17.. .. .                              | 1,762                          | 1,089                             |
| 1917-18.. .. .                              | 1,501                          | 1,058                             |
| 1918-19.. .. .                              | 1,760                          | 1,449                             |
| 1919-20.. .. .                              | 2,081                          | 1,410                             |



12 GEORGE V, A. 1922

At the hearing, suggestion was made by the Board that in view of the representations made as to the conditions alleged to exist in regard to traffic and expenses of operation on the Kerr Lake Branch there might well be a conference between the parties to ascertain what, if any, readjustments were mutually agreeable. In a written memorandum of counsel for the railway, the following is set out regarding this matter:—

“The present schedule requires four cars. It is not practicable to make a reduction in the schedule between Cobalt and Kerr Lake without also reducing the service between Cobalt and New Liskeard. Otherwise the only saving would be in power consumption. There can be no appreciable reduction through a decreased service if it is necessary to hold the motormen and conductors under pay. The company has on several occasions suggested a reduced service, but in each case the municipalities have insisted that the service called for by the respective franchises be maintained. Following the recent hearing at Haileybury, a conference was held at which a reduced service was discussed. Mayor Taylor of New Liskeard subsequently wrote the officials of the company that a reduction of one car each morning that was suggested by the company would not be satisfactory. At no time is more than one car out of four on the Kerr Lake service and when rush hours and extra cars are considered the car mileage on the Kerr Lake Division is less than one-fifth the total instead of one-half as suggested by counsel for the town of New Liskeard. If a service requiring only three instead of four crews is to be operated, even a partial service cannot be given to Kerr Lake unless slight reductions in the service to New Liskeard are made.”

There is a general agreement that the expenses form a larger percentage on this section than on other portions of the system. It is not feasible to have this portion of the system with a rate adjustment different from that applying on other portions of the system. So long as it is operated there must be a minimum service such as will enable necessary and ordinary business to be carried on. See ruling in *Complaints re Alberta Train Service, Board's Files 27563.56.6, etc.*

I am satisfied that the present returns on this section are not adequate, bearing in mind the service as rendered. The initial burden of determination is on the railway as to whether readjustments of service should be made. At the same time, when a railway asks for an increase in rates it should determine whether economies can be effected; and where service is inadequately compensatory it may properly be adjusted in ease of the level of rate increases asked for.

The railway has filed a proposition for a revised service which will of necessity involve a readjustment between Cobalt and New Liskeard. This has been submitted to the parties. It is estimated that the revision proposed will effect an economy of \$22 per day, or, approximately, \$8,000 a year. Subject to taking care as far as is feasible of workmen who have, of necessity, to travel at certain hours, this being a condition in which North Cobalt is, on the evidence, the section interested, I am of opinion that the proposed revision may be allowed.

### XIII

Under ordinary conditions, a factor properly to be considered in rate questions is that of some return on the capital invested. Leaving aside the stock issue of the railway, the investment in road and equipment is returned at \$144,936. If interest were allowed on this at a minimum of 5 per cent it would amount to \$22,000 a year.

It is obvious that if a railway is under private management, a return on capital is necessary if additional capital is to be obtained as needed. If the railway is under public management, the matter of carrying the interest charge may be undertaken by the Government concerned as a matter of public policy. This being a matter of



## SESSIONAL PAPER No. 20c

public policy does not come within the jurisdiction of a regulative tribunal unless so provided by statute.

In speaking of a privately chartered railway owned by the Government, the former Chief Commissioner, Sir Henry Drayton, said in the decision in the *Fifteen Per Cent Case*.—

“There is no reason why the business of the Canadian Northern should be conducted at a loss, simply because the country owns it. Under the Railway Act, the Board certainly cannot deny the people as a whole a rate which would be fair to individuals when owning the transportation system. It appears that a national railway just as much as any other railway ought to be operated so as to cover the cost. . . .”

In the present instance, the province of Ontario is the owner of an electric railway performing suburban service of local interest. Through its agent, the Temiscaming and Northern Ontario Railway Commission, it states it does not desire to have a return on the capital invested considered as a factor entering into the present application. This is in ease of the burden the locality would have to bear.

## XIV.

The application as launched relates to passenger business alone. It is submitted by the railway that the tolls received should at least equal the operating expenses, with some additional allowance to cover unforeseen contingencies.

While on the 1920 figures the case for an increase of 25 per cent on the passenger business, as asked for, has not been justified, the need for an increase has at the same time been justified. The 1921 figures, so far as available, show a still more unsatisfactory condition, and were a full year's figures available might possibly be taken as determinative of the percentage. While, however, projections have a certain value and may properly be given weight in forming a conclusion, at the same time the conjectural element contained therein must also be given weight.

I am of opinion that an average increase of 20 per cent will be necessary to cover a reasonable contribution from passenger business to the costs necessarily incident thereto. In the proposed tariff of the railway, provision is made for sale of tickets in quantity at a lower rate per ticket than is charged for single tickets. This practice should be continued.

The railway may file with the Board a tariff providing for an average increase of 20 per cent in passenger rates; said tariff to become effective thereafter on five days' notice.

The conditions which have brought about the necessity for this increase are, it is hoped, not of a continuing nature. It is hoped that operating conditions will improve and traffic increase. The Board, therefore, treats the matter as one of temporary relief and will retain the conduct of the case. The railway will be required to file with the Board monthly statements showing, in detail, earnings and expenses; also such other details, if any, as may be called for from time to time by the Board.

## APPLICATION CHAMBER OF COMMERCE OF LEVIS FOR REDUCTION IN RATES ON GRAIN.

*Judgment, Chief Commissioner Carroll, July 21, 1921, concurred in by the Deputy Chief Commissioner and Commissioner Rutherford.*

This is an application of the Levis Board of Trade for the same rate on grain to Levis as is granted to the city of Quebec. The contention is that, at the present time, the all rail rate from Port Arthur and Armstrong to Quebec is 40½ cents, whereas the rate to Levis, just across the river, is 44 cents, making a difference of 3½ cents against Levis and to the advantage of Quebec.



12 GEORGE V, A. 1922

It seems that, up to the year 1918 or thereabouts, the rate on grain and grain products shipped from Western points to Levis was the same as to Quebec. It was then increased to 6 cents and finally reduced and then increased by the different Rate Judgments until now the difference is 3½ cents. It also seems that the tariff between Montreal and Quebec and Montreal and Levis is the same.

The allegation of the Levis Board of Trade is that this difference of rate is practically diverting the distribution business away from the Levis merchants and placing it in the hands of the Quebec merchants, because it seems that the car-load rate from Quebec to any point on the Intercolonial as far east as Rivière du Loup is the same as from Levis, although the l.c.l. rate from Quebec up to a distance of about 100 miles is greater from Quebec than from Levis. The same condition exists on the National Transcontinental as far east as Monk.

It is alleged by the C.N.R. authorities that, on grain coming from the west via either the C.N.R. or the N.T.R., they are entitled to a higher rate to Lévis than to Quebec because they have to cross the Quebec bridge, a very expensive structure, although, as everything must come to the bridge on the Quebec side, the actual distance over the bridge and down to Levis would be practically no greater than from the bridge down to the city of Quebec.

It also must be borne in mind that, now that the Grand Trunk is being merged as an integral part of the C.N.R. system, their rate to Levis is the same as to Quebec, and it would seem that some change either by raising the Quebec rate or lowering the Levis rate must be worked out immediately this amalgamation takes effect.

I am not able to convince myself that the cost of the bridge should be seriously considered by this Board in deciding what would be a just and reasonable rate. Rather, in my opinion, it should be the cost of operating the railroad that should govern to a very great extent, although maintenance would be a part of that cost and the maintenance of the bridge would, no doubt, play some part.

However, as a matter of equity to the merchants of Levis, considering that the distance is practically the same, I think the rate to Levis should be the same as to Quebec, and, therefore, think an order should issue authorizing the Canadian National Railways to file a rate to Levis of 40½ cents from the head of the Lakes, the same as is now in existence to Quebec.

*Re* CLASSIFICATION MINIMUM WEIGHT OF MIXED CARLOAD OF OFFICE FURNITURE, FILING CASES,  
AND SUPPLIES

*Judgment, Chief Commissioner Carroll, July 25, 1921, concurred in by the Assistant Chief Commissioner and Commissioner Boyce.*

This is an application of the Canadian Manufacturers' Association on behalf of the Office Specialty Company, Limited, for a reduction in the classification minimum weight of mixed carloads of office furniture, filing cases, and supplies.

I think it would be an unwise course to reduce the minimum on such a commodity when it has been proved that it is quite feasible to load an ordinary car to the minimum required. In fact, in six cars referred to at the hearing, two to Winnipeg and four to Montreal, it was shown that they all exceeded 24,000 pounds and averaged 26,804 pounds per car. No doubt it would be an advantage in shipping to small communities to have a reduced minimum, but that is simply taking the money from the railway company for the benefit of the manufacturers.

I entirely concur in the report of Mr. Brown, Chief Clerk, Traffic Department, herein, and think the application should be dismissed.



SESSIONAL PAPER No. 20c

APPLICATION RUBBER ASSOCIATION OF CANADA FOR REVISED RATINGS ON RUBBER TIRES AND TUBES

*Judgment, Chief Commissioner Carvell, July 25, 1921, concurred in by the Deputy Chief Commissioner.*

This application was heard by the Board on March 15 last, and, in substance, is a request by the Rubber Association of Canada to have the carload classification on pneumatic tires and tubes reduced from second to third class, the minimum to be increased from 16,000 pounds to 20,000 pounds.

This same application was before the Board in November, 1917, but was refused. Conditions, however, since that date, have very materially changed. The business has grown from a few cars to over 1,000 cars per year, and the United States classification in all territories has been established at third class with a 20,000 pound minimum. This of itself would not be a compelling reason for a like change in Canada. The difficulty is that large quantities of tires are being imported into Canada from United States points under the joint tariff, which is third class, entering into competition with Canadian tires which are classified second.

In my judgment, while it might not be, strictly speaking, discrimination because of the joint through tariff, yet it is an undue preference given to the American manufacturer over his Canadian competitor, and, therefore, I think the classification should be changed accordingly to apply both to pneumatic tires and rubber inner tubes, especially as the Canadian third class rate is considerably higher than the American third class, as will be shown by the following comparison:—

RATES TO TORONTO

| From           | U.S. Rates |     | Canadian Rates |      |      |     |
|----------------|------------|-----|----------------|------|------|-----|
|                | 1st        | 3rd | 1st            | 2nd  | 3rd  | 4th |
| Boston .....   | 112        | 76½ | 112            | 98½  | 85   | 70  |
| New York.....  | 119½       | 80  | 121            | 104½ | 91   | 76½ |
| Cleveland..... | 102        | 68  | 101½           | 90   | 76½  | 64  |
| Akron.....     | 106½       | 70½ | 104½           | 91   | 79½  | 66  |
| Chicago .....  | 116        | 77½ | 117            | 103½ | 88   | 73½ |
| St. Louis..... | 139½       | 93  | 140½           | 122  | 104½ | 88  |
| Albany.....    | 88         | 60  | 90             | 77½  | 68   | 56½ |

They also ask that rubber pneumatic tires in metal strapped and sealed bundles be given the first class 1.c.1. rate instead of 1½ times first as at present. It seems that if rubber tires are crated, they move at the first class 1.c.1. rate, and otherwise at 1½ times first. The crating is a provision found in numerous instances in railway classifications, and, of course, is for the purpose of protecting the goods from breakage and for facility in handling. I fail to see how there could be any possibility of breakage in a bundle of rubber tires securely fastened together with steel bands, and I also fail to see why they could not be handled even more cheaply in that form than when crated, and, for these reasons, I think tires, when properly strapped, should receive the same classification as when crated.

Therefore, an Order should issue changing the classification on rubber pneumatic tires and rubber inner tubes from second to third class, with the minimum increased from 16,000 to 20,000 pounds, and, when in metal strapped and sealed bundles, the 1.c.1. rate should be reduced to first class.



12 GEORGE V, A. 1922

*Judgment in dissent, Assistant Chief Commissioner McLean, July 26, 1921.*

Regarding the application to have rubber pneumatic tires, in metal strapped and sealed bundles, given a rate of first-class L.C.L., instead of  $1\frac{1}{2}$  times first, as at present, it seems to me that the method of taking care of the package puts it in a position which is comparable, as to classification, with the classification in boxes and crates. Admittedly, the factor of damage does not enter in. I am of opinion, therefore, that the first-class rate L.C.L. should be allowed.

In regard to the carlot rating asked for, involving a reduction from second to third class, it appears from the statements of applicants, as frankly set forth in their application, that the practice of price equality prevails in Canada regardless of the selling price. This may be, and no doubt is, a very satisfactory method of conducting business, but the effect of the reduction asked for is that it will enure entirely to the Canadian tire industry, and not at all to the consumer.

In *Berliner Gramophone Co. vs. Canadian Freight Association*, 14 Can. Ry. Cas. 175, the Board had before it a case involving the classification of gramophones, the situation being that the Berliner Company had the entire control of the selling price of the gramophones. In a judgment then rendered, I used the following language:—

“In the present application, the Board is confronted with a situation in which the retail price of the article produced is entirely controlled by the producing company. The price is uniform regardless of local conditions, length of haul, or freight charges. The price cannot be increased without the permission of the Berliner Company, and if the price is reduced by a dealer, the penalty is that the dealer will no longer be permitted to carry the instruments in question. It is not within the scope of the Board's jurisdiction to pass any opinion upon the legitimacy of the arrangement above, outlined. It is justifiable to recognize the fact.

“It would appear upon the facts of the application before the Board that it is in essence simply a question of readjusting profits between the railway and the producer, jobbers and retailers concerned, and that the consumer in no way stands to gain from any change in the situation. It has not been established that the rates are unreasonable, and I am therefore of the opinion that a case has not been made out for the interference of the Board.”

It should be pointed out that the majority decided against me; at the same time the majority decision turned upon the question as to whether a gramophone was a “musical instrument,” and, therefore, entitled to enter into the “musical instruments” list in the freight classification. I did not disagree in regard to the gramophone being a musical instrument; and as the judgment of the majority went on this ground, the position taken in my judgment was, in reality, not overruled. What was involved in that application is similar to what is involved here. The commodity concerned is disposed of at a fixed price. If I could see that the granting of the application would have any bearing upon some portion at least of the reduction getting to the consumer, this would have weight with me. On the facts of the present application, I see no chance of it.

EXCHANGE RENTALS AND CHARGES FOR SERVICE, BRITISH COLUMBIA TELEPHONE COMPANY

*Judgment, Assistant Chief Commissioner McLean, July 26, 1921.*

The reasons for judgment of the Chief Commissioner set out that the correctness of the physical valuation submitted was not challenged.

It was stated by counsel for the city of Vancouver, as an argument against the adoption of physical valuation as a basis in the present case, that physical valuation



## SESSIONAL PAPER No. 20c

had not been taken by the Board as a basis for rate-making in any case which had come before it. This presentation of the matter requires some analysis.

In the *Montreal Telephone Case, 15 Can. Ry. Cas., 118*, figures were submitted by the Bell Telephone Company setting out its estimate as to the cost of replacing the plant in Montreal. The city of Montreal took the position that the proper basis for the computations that would show the reasonableness or otherwise of the rates was to be found in the book value of the plant. The Board held that the Bell Company being, in general, in satisfactory financial condition, and it not being shown that Montreal was not giving its proper proportion to the general revenues of the company, it was not necessary to go into any detailed analysis of the computations submitted by the company as bearing upon the physical valuation. Thereafter, a test of the alleged excessive revenue as set out by the City of Montreal was made on the basis of book value as contended for by the city, and it was held that the facts did not justify the reduction asked for.

In the two general rate applications of the Bell Telephone Company which have been before the Board, the applications as launched turn upon the question of the return on capital; consequently a ruling upon the question of physical valuation was not necessary to the issue involved.

The only case where there has been a pronouncement by the Board on the matter of physical valuation in a decision of the Board, as distinct from what is contained in an individual judgment in concurrence, was the interim judgment of former Chief Commissioner Drayton in connection with the Bell Telephone Company's application launched in 1918. There, in dealing with the material necessary to be submitted by the company as bearing on the *temporary* increase, the judgment contained the following language, pointing to physical valuation as a basis of *permanent* rates:—

“In my opinion, should it be found necessary to increase the company's rates, they should be increased subject to the Board's further order and to the further provision, in the meantime, that such data be collected and valuations made as will enable a proper telephone rate to be determined when conditions are ascertained to be constant.”

“I would, therefore, give effect to the spirit of the municipality's application and provide merely for temporary increases if necessary. In my view, however, their duration ought also not to be fixed. They should remain in effect until operating costs and plant values become normal, when the permanent rates ought to be considered.”

If the contention advanced during the hearing that rates should be fixed for localities after analysis of the local investments in plant in each case, is accepted, it of necessity follows that a valuation would have to be made. In the absence of complete detail as to book costs, physical valuation would then have to be used. I understand from the evidence at the hearing in Vancouver that Mr. Judson testified that, wherever possible, book costs were made use of in the valuation submitted by him.

Emphasis was laid, in the course of the hearing, on the fact that the total reserve for depreciation was in excess of 30 per cent; and it was argued that this of itself was evidence of the fact that an increase in rates was not necessary.

At the hearing in Vancouver, in answer to a question bearing on the amount in the depreciation for reserve, Mr. Halse said that if the company had been able to replace the material which should have been replaced the figure would have been nearer 20 per cent.

In the evidence, Mr. Meldrum stated that in the United States the practice was that “after a company has been going one or two cycles of the wearing out of the plant, we consider 20 per cent a fair, honest and conservative balance to keep in that reserve.” His position was that when a plant was well established a 20 per cent



12 GEORGE V, A. 1922

maximum was normally sufficient. He stated, in substance, that the applicant telephone company had not had a sufficiently long life to allow this limitation to apply. (Evid. vol. 362, p. 7976.) Mr. Hammond V. Hayes gave testimony to substantially the same effect. In evidence before the Board in the Bell Telephone Company's applications of 1918 and 1919, Mr. Hagenah, who appeared as an expert for the city of Montreal (Evid., vol. 299, p. 2421), stated, "That telephone plant which has lived approximately through one cycle of telephone life, when maintained in a normal and usual manner, is in an approximate 80 per cent condition."

There is an apparent agreement among the experts that before the 20 per cent factor can be taken as a criterion, the plant must have lived through one cycle. If a rate of 6.04 per cent is taken, one cycle means a life of 16.6 years. The plant as at present developed has had a shorter life than this.

I agree in the findings of the Chief Commissioner as to the rate increases which are on the record found necessary and justifiable.

*Judgment, Chief Commissioner Carvell, November 17, 1921, concurred in by the Assistant Chief Commissioner and Commissioners Boyce and Rutherford.*

When the British Columbia Telephone Company applied to this Board, in the month of March last, for an increase in rates, they filed a schedule attached to their application which they suggested should be approved by the Board as submitted. This schedule suggested certain rates for all exchanges and services in the system, an examination of which showed that increases amounting to about 15 per cent were asked for in Vancouver, Victoria, New Westminster, Nanaimo, and North Vancouver, but no increases in exchange rates were asked for in any other exchanges in the province. It is unnecessary to refer to the services, as there is no difference of opinion about these.

When the judgment was written, it was particularly stated at the beginning thereof as follows:—

"This is an application of the British Columbia Telephone Company for an increase in rates amounting to about 15 per cent on a certain portion of its business as carried on at the exchanges particularly mentioned in the application. The application does not apply for any increase in the Kootenay District, etc.—

and at the hearing, both in Vancouver and Ottawa, it was distinctly understood that it was not the intention of the applicants to increase exchange rates excepting in the five places hereinbefore mentioned.

With this understanding in my mind, I, therefore, stated on page 13 of the judgment as follows:—

"I, therefore, find that the company should be allowed to increase their rates for the exchanges and services set forth in the application by the sum of 10 per cent"—

which I thought quite clearly expressed the intention of the Board and coincided with the general understanding at the hearing.

The company thereupon filed a tariff applying the 10 per cent increase to all exchanges, not confining it to the five heretofore mentioned, claiming this was their interpretation of the judgment.

The company has not properly interpreted the judgment, and the increase in exchange rates should be allowed only in the five places hereinbefore referred to. Tariffs to that effect should be filed immediately, effective December 1 next.

The tariffs in existence for the past three months were filed in accordance with the provisions of the Railway Act.



SESSIONAL PAPER No. 20c

## COMPLAINT NUKOL FUEL COMPANY, LIMITED, TORONTO, AGAINST CANCELLATION OF COMMODITY RATES ON COAL BRIQUETTES

*Judgment, Assistant Chief Commissioner, July 28, 1921, concurred in by Commissioner Rutherford.*

Effective March 16, 1920, the Grand Trunk and Canadian Pacific Railway Companies published commodity rates on coal briquettes from Toronto to a number of points in Ontario; and on March 18, 1921, the rates were withdrawn by the railway companies. The commodity rate which was thus in operation in the period in question out from Toronto was the Buffalo rate on briquettes made applicable from Toronto.

At present briquettes move out from Toronto on the coal mileage rate. What is asked for is a commodity rate equal to 75 per cent of the coal mileage rates.

It was stated by the applicant that there was competition from the coal and imported briquettes moving in by way of Buffalo. In respect of movements to points in northern Ontario the evidence was that the applicant could compete with the coal rate from Buffalo. He represented, however, that on easterly and westerly movements his product was submitted to "rather close competition" by the rates from Buffalo on either coal or imported briquettes.

Some exception was taken to the raw material for briquettes moving on the same rate as prepared sizes, and it was set out that in the United States a lower rate was given to briquetting plants. The tariffs covering the practice alleged are not on file with the Board, and the subject matter of the tariffs is one not under the Board's jurisdiction. In view of the fact that the applicant is asking for a reduction on the manufactured article out, not on the raw material in, the comparison is not conclusive.

Tariffs have been checked showing the movements from Buffalo and from Detroit to various points. On movements from Buffalo into Canada seven points have been checked with mileages from 22 to 64. By Michigan Central tariffs, the rate for anthracite briquettes and anthracite coal, prepared sizes, is the same. From Detroit to various Canadian points, the longest distance being Toronto, the briquette rate is higher. Toronto, with a rate of \$1.15 on coal, has a rate of \$1.65 on briquettes. Brampton has rates of \$1.45 and \$1.65. Orangeville, a branch line movement, has a rate of \$1.80 on coal and \$2 on briquettes. London and St. Thomas have respective rates of \$1.25 and \$1.45.

In dealing with increases in rates in its judgment of September 6, 1920, the Board prescribed a very much lower rate of increase on coal than was provided for in the increase of rates south of the international boundary. While in official classification territory there was, in general a 40 per cent increase allowed, the increase on coal in Canada varied from 10 cents to a maximum of 20 cents per ton. What is asked for here is a reduction as to a particular item moving on the coal mileage scale.

During 1920, the applicants moved about 200 cars on the Grand Trunk. The Canadian Pacific submitted a statement of some 50 cars moving in the period March 15, 1920, to April 15, 1920. On further analysis of these, it appears that 35 of these were handled by the Grand Trunk and 15 by the Canadian Pacific. During the period the commodity rates were in operation, the Grand Trunk moved 71 cars of briquettes to points to which commodity rates had been established. The commodity rates operated as a maximum to intermediate points, and seven cars of briquettes moved to such intermediate points; 122 cars moved to points to which no commodity rates were effective; consequently they were handled on the mileage basis. The coal mileage basis is the rate on which the local movements on coal and on gas-house coke take place. During the period when some 200 cars of briquettes moved, 78 of these



being on the commodity rate, there were some 75,000 tons of coal moved on the coal mileage rate, which would be equivalent to the movement of 1,500 cars.

It was admitted by the applicant in evidence that the briquettes in question were somewhat higher in thermal units than anthracite. The following discussion took place:—

“The ASSISTANT CHIEF COMMISSIONER: How does your briquette compare in thermal units with anthracite?”

“Mr. SCHUCH: It is higher in thermal units, very slightly. We make no point of that.

“The ASSISTANT CHIEF COMMISSIONER: A ton of your product is equal, and perhaps somewhat better than a ton of anthracite in fuel value?”

“Mr. SCHUCH: Yes, sir. I can point to you that our briquettes have an ash content of 16 per cent, and I can show you shipments of coal coming in with as high a percentage as 25 of ash.

“The ASSISTANT CHIEF COMMISSIONER: It is claimed for briquettes that there is a smaller percentage of ash so that it is really the competition of a better product selling at a lower price.

“Mr. SCHUCH: That is quite so. There is coming a day when briquettes will be able to demand a price equal to or exceeding that of coal.”

What is being asked for is, in effect, a preference for one article now moving on the coal mileage scale in comparison with other articles moving on the coal mileage scale, with which articles the briquettes are competitive.

The Board has recognized that where a carrier handles the raw material in and the finished material out, it may consider this and give a reduced rate on the inbound traffic.

*Michigan Central Sugar Co. vs. C.W. and L.E. Ry. Co., 11 Can. Ry. Cas., 353.*

*International Paper Co. vs. G.T., C.P. and C.N. Ry. Cos., 15 Can. Ry. Cas., 111, at p. 115.*

What is asked for here is the converse; that is to say, it is asked that there should be a reduction on the outbound rate. Further, the reduction asked for, for example in the case of the Grand Trunk, is not limited to a reduction out on the manufactured material made from the raw material carried in on the Grand Trunk; but the application as launched is, in effect, one for a reduction in rate outbound, irrespective of the fact whether the outbound carrier has had the advantage of the inbound haul.

The judgment in the *International Paper Company*, above referred to, raised the query as to whether the original shippers should not obtain in all instances the same rates on the rough commodity irrespective of the movement out of the finished material (see p. 115). It concluded that on account of the established practice, it would be impossible to discontinue the application of the principle without a complete dislocation of existing tariffs built up on this practice.

While there is no question that the Board has power to deal with the question of through rates, and to provide that the through rates shall be less than the sum of the locals, what is herein involved is a matter of two separate contracts of carriage—the contract of carriage in on the raw material and the contract of carriage out on the finished material, the two contracts not being of necessity tied up to movements on the same railway. Unless there are special factors affecting the briquette industry, the Board, in my opinion, would have to look to the reasonableness of the rate in on the raw material and the reasonableness of the rate out on the finished material.

Towards the close of the hearing, the opinion was, in substance, expressed by applicant that a final determination of the matter would properly rest upon a wider development of the industry than at present existed. Mr. Schuch, who appeared for



## SESSIONAL PAPER No. 20c

the applicant, expressed the opinion that it would be unfair to the briquette business in general for the Board to make a decision on the business concerned with the single plant of the applicant; and in response to a query as to whether the Board should wait until some more plants were established, he said he would rather have this done than have a higher rate established and maintained. I understand that what is meant by the latter statement is a declaration by the Board that the higher rates should be maintained.

On what is before the Board, I am of opinion that the application for a reduced basis applied for has not been justified.

COMPLAINT CONSUMERS METAL COMPANY, LIMITED, OF MONTREAL, AGAINST RATES CHARGED  
ON SCRAP IRON FROM CANADA TO THE UNITED STATES

*Judgment, Chief Commissioner Carvell, August 3, 1921, concurred in by the Deputy Chief Commissioner and Commissioner Boyce.*

At the Montreal sittings on March 23 application was made by the Consumers Metal Company, Limited, of Montreal, taking exception to the consolidated classification, which figures the ton at 2,000 pounds instead of the gross ton at 2,240 pounds. It appears from the evidence that prior to January 1, 1920, what was known as the official classification applied in both directions in international traffic between the United States and Canada. On that date there was a consolidation of the western, southern and official classifications into what is known as the consolidated classification. In the old official classification scrap iron was shown as sixth class, with a note to the effect that 2,240 pounds would be taken as 2,000 pounds and this was changed by the consolidated classification.

If I correctly understood the applicant, he really asked that an exception be made of still carrying 2,240 pounds for a ton, the same as is still being done by some of the American roads. The Canadian railways objected, claiming that the consolidated classification should govern. The real difficulty seemed to be, that on account of commercial depression there is very little demand and a very low price for scrap iron, and it was the applicant's opinion that if the classification could be changed it would assist him to that extent.

This, of course, is true, but if rates were to be built upon the market price of the commodity, under present conditions, scores of commodities would require a reduced rate. In my opinion the cost to a company carrying the goods is the true criterion and not the selling price, and therefore I feel the application should be refused.

APPLICATION SUTHERLAND-INNES COMPANY, LIMITED, OF CHATHAM, FOR A CLASSIFICATION  
ON COOPERAGE STOCK SIMILAR TO LUMBER RATE BASIS

*Judgment, Assistant Chief Commissioner McLean, October 3, 1921, concurred in by Commissioner Boyce.*

By the Board's decision of July 30, 1904, in the matter of the application of the Sutherland-Innes Company and the Wallaceburg Cooperage Company vs the Pere Marquette Railroad Company, the Michigan Central Railroad Company, the Wabash, the Grand Trunk and the Canadian Pacific Companies, it was pointed out that it had been the general practice of the railways to include cooperage stock by carloads in their special mileage tariffs on lumber so as to take the mileage lumber tariff rates to points in Eastern Canada. Some question had arisen on account of the cooperage stock having been omitted from some of the tariffs, and the judgment held that



12 GEORGE V, A. 1922

cooperage stock should be included at the same rates as common lumber in the mileage tariffs of the railways applying on lumber and other commodities carried at lumber rates.

In addition, there was dealt with in the judgment a question of specific rates to Montreal from Chatham and Wallaceburg. The commodity rates so established took into consideration, as set out in the judgment, a variety of factors pertinent to the situation. While a commodity rate basis from Chatham and Wallaceburg was directed, the following language is contained in the judgment:—

“It is not intended by this order that any special rates on lumber lower than the special mileage tariffs, made in competition with water routes, or for other exceptional reasons, must necessarily be charged on cooperage stock also.”

This action left open to the Board to consider on its merits each specific application for a community rate basis.

At present there applies on the movement of cooperage stock from Smiths Falls to Montreal the rates applicable under the lumber mileage scale. This rate, as affected by the various rate increases which have been found necessary, is now 20½ cents. The commodity lumber rate from Smiths Falls to Montreal, as affected by the various rate increases, is 17 cents per 100 pounds.

The matter as launched in the present application is in effect that the commodity lumber rate should extend to cooperage stock generally. On the matter as developed a justification for a direction of general application has not been made out. I am, at the same time, of the opinion that the lumber commodity rate should, in the case of the movement from Smiths Falls to Montreal, be made applicable to cooperage stock. Said rate should be filed to be effective within ten days from the date of the order.

#### CAR DEMURRAGE RULES

*Judgment, Chief Commissioner Carvell, October 10, 1921, concurred in by the Assistant Chief Commissioner, Deputy Chief Commissioner, and Commissioner Rutherford.*

An application was launched some months ago by the Canadian Manufacturers, in which they were joined by representatives of many Canadian industries, asking that the car demurrage rules as prescribed by General Order No. 201, bearing date the 1st day of August, A.D. 1917, be amended, practically asking that the rate be \$1 per car per day after the 48 hours free time.

At the hearing in Ottawa on the 21st of June last, the following gentlemen appeared for their respective interests:—

S. B. Brown, for the Canadian Manufacturers' Association.

Thomas Marshall, for the Toronto Board of Trade and the Halifax Board of Trade.

George B. Ruickbie, for the Canadian Pulp and Paper Association.

W. S. Tilston, for the Montreal Board of Trade.

G. B. Watts, for the Dominion Millers' Association.

R. L. Sargent, for the Canadian Lumbermen's Association.

E. P. Flintoft, for the Canadian Pacific Railway.

J. M. Daly, for the Canadian Coal Association.

W. R. Caldwell, for the Hamilton Chamber of Commerce.

W. C. Chisholm, K.C., for the Grand Trunk Railway.



SESSIONAL PAPER No. 20c

Rule 9 of General Order No. 201 reads as follows:—

“RULE 9—DEMURRAGE CHARGE

“After the expiration of the free time allowed, the following charges shall be made until the car is released:—

For the first day, or fraction thereof, of delay, One dollar.

For the second day, or fraction thereof, of delay, Two dollars.

For the third day, or fraction thereof, of delay, Three dollars.

For the fourth day, or fraction thereof, of delay, Four dollars.

For the fifth and each succeeding day, or fraction of a day, Five dollars.

It was contended on behalf of most of the applicants, and, I think, admitted, that this rule was issued as a war measure for the purpose of securing the release of equipment in the shortest time possible rather than as a revenue measure. In other words, a penalty was imposed on the detention of cars above forty-eight hours' free time in the hope that it would facilitate their unloading to some extent. It is now contended that as the war is over and especially as equipment is very plentiful upon all Canadian roads, the rule should be abolished and there should be a return to pre-war conditions.

As the case developed, there seemed to be considerable difference of opinion, but I think I can fairly represent the views of the great majority of the interests represented in stating that they were all in favour of a higher rate than \$1 per day under certain conditions, the difficulty being as to when the higher rate should begin. All agreed, of course, that there should be forty-eight hours' free time. I think all agreed that, for the first day thereafter, there should be a charge of \$1, and many agreed that the ultimate charge should reach \$5 per day. Everybody admitted the necessity of releasing equipment at the earliest possible moment.

If there continued to be the same excess of freight equipment in the future as exists at the present time, I would have no hesitation in recommending a repeal of rule 9 and going back to the \$1 per day, but we have no guarantee of such a condition. In fact, I think every person can sincerely hope that there will be a change and, when the change comes, then, in my judgment, there should be some inducement to compel shippers to use all due diligence in loading and unloading freight cars. Perhaps the late Mr. Tilston, representing the Montreal Board of Trade, expressed my views better than I can do myself when he stated as follows:—

“We think very often a man who is honestly endeavouring to unload his car, but is frequently unable to do so the first day through weather conditions, or in getting cars from different places, should not be penalized, and that is probably the reason the first day the per diem is left at \$1, so that he will not be penalized. If that \$1 per day was allowed to continue without any increase, it would be cheaper for a man to store the great bulk of his goods, such as coal, oats, and material in cars rather than unload them, and a system such as that, in a very few days, would block up all the terminals and prevent proper movement and delivery on team tracks and sidings of the ordinary commercial traffic. The man who unloads his freight within one or two or three days after the free time is not the man this penalty reaches, or the man they are trying to get at. It is the man who has no facilities, or no proper facilities, and who is holding cars on the market.”

Mr. Tilston seemed to agree with the suggestion which had previously been made by the Assistant Chief Commissioner that, for the first two days after the forty-eight hours' free time, the charge should be \$1 per day and thereafter \$5 per day. This, in my judgment, would be a reasonable rule to apply. There ought to be no good



reason why a car could not be unloaded in four days, which would only cost \$2 by way of demurrage. If kept for a longer time, even if through causes over which the shipper has not control, still, in the interest of the general release of equipment, I think a penalty of \$5 would not be unreasonable, and, therefore, think order should be amended accordingly.

APPLICATION DEPARTMENT OF RAILWAYS AND TELEPHONES, ALBERTA, FOR THE PRIVILEGE OF STOPPING IN TRANSIT CARLOADS OF TELEPHONE POLES FOR TREATMENT

*Judgment, Commissioner Boyce, October 25, 1921, concurred in by the Chief Commissioner.*

Unless what is asked for can be granted by this Board, by virtue of section 312 of the Railway Act, subsection (e) added as a new subsection in the Consolidation of 1919, I do not see that it is possible for this Board to exercise jurisdiction and give the service asked for.

The creosoting of telephone poles in transit is not a customary or usual service in connection with the business of a railway company, but what is involved is that the section, as amended, be invoked to give the Board a jurisdiction it has uniformly held that it does not possess, namely, to order the carrier to give the shipper the right to stop-off in transit telephone poles for creosote treatment and continue transit in the improved condition on the one through rate.

During the hearing of the case, the Chief Commissioner remarked that if the Board exercised jurisdiction under the subsection mentioned and granted an application of this kind it would mean that the Board would have a tremendous number of the like applications, and, as Mr. Lanigan pointed out for the railway company, the local freight business of the railway would be dislocated and demoralized. A number of instances were cited where similar applications might be made with equal force. In several cases this Board has held that it has no jurisdiction to order such a service. That it is wholly a privilege—not a right—accorded by the railway company to the shipper, and heretofore has been restricted to the milling in transit of grain, and that the jurisdiction of this Board is restricted solely to questions of discrimination in the granting of such privilege to one shipper and denying it to another, under conditions that call for the intervention of the Board to prevent unjust discrimination, or difference of treatment.

*Sudbury Brewing Co. v. C.P.R., 18 C.R.C., p. 411.*

*Koch v. Pennsylvania R.R. Co., 10 I.C.C.R., p. 675.*

*United Grain Growers et al v. Can. Freight Association, 24 C.R.C., p. 128.*

The same principle was followed and affirmed at the hearing of an application by the Shingle Agency of British Columbia for an order that the railway companies in that section of the country (British Columbia) allow the privilege of dressing and sorting in transit rates—Board's file No. 27194—in the course of which hearing the then Chief Commissioner said (vol. 251, p. 4181):—

“The Board has no jurisdiction unless there is a question of discrimination. We cannot interfere except in cases of discrimination.”  
Under the circumstances, I would refuse the application.



SESSIONAL PAPER No. 20c

APPLICATION FESSERTON TIMBER COMPANY, LIMITED, OF TORONTO, FOR SAME RATES ON RAW WOOD MATERIAL FOR THE MANUFACTURE OF LATHS, AS PUBLISHED FOR THE CARRIAGE OF CORDWOOD

*Judgment, Commissioner Boyce, November 8, 1921, concurred in by Commissioner Rutherford.*

At the close of the hearing counsel for the railway intimated that the complaint would be given some further consideration with a view of the possibility of coming to some arrangement with the complainants. It is intimated that disposition must be made by the Board upon the case and arguments as presented.

The complaint is based upon the contention that as the complainants are manufacturing lath direct from the log (upon which they have been paying the mileage rate on log for manufacturing purposes) the rate upon the inward material (cordwood) should be no higher than that on cordwood shipped to chemical plants, or on pulpwood to mills for manufacturing purposes.

It is alleged in the initial complaint that the cordwood the complainants use is "the rough material after the lumbermen and tiemen have taken all the logs they require for lumber and railway ties, and we also buy from the settlers material they cannot sell for anything else." They state (April 5, 1920) that they are not shipping in logs, and buy the "ordinary soft cordwood that is taken out," or as Mr. Mason put it, at the hearing, "they manufacture lath, not in the ordinary way as a by-product of the log, but from the refuse of logs, which for many years has been unsaleable." They claim that the industry should be entitled to special consideration because it employs and makes use of refuse timber which would otherwise be left in the bush, paying the settlers a price therefore which they otherwise could not get, creating employment for men, and furnishing traffic for the railways, out of material otherwise refuse and valueless.

These contentions are not entirely borne out by the facts. The advertisement of the firm calls for cordwood, of pine, spruce, balsam, hemlock, tamarac, poplar, cedar and ash of particular specifications, namely, "4 inches and up in diameter at small end, and cut 49 inches long. Sound straight timber. Any wood *now cut* 48 inches long will be taken same as 49 inches, but all wood, *from now on*, must be cut 49 inches." And, at the hearing, Major Hart, for complainants, said (vol. 335, p. 6012): "We are looking for sound, straight timber of that particular quality." These specifications and statement are not entirely consistent with the general statements (quoted above), upon which the application is based, and it is further shewn that the complainants are reshipping some of this pulpwood without any process of manufacture.

The business of complainants is manufacturing and the basic material from which the manufactured product is made is the log (cordwood) of specified and particular dimension and character, not refuse, and I am of opinion that the present published rates on logs for manufacturing purposes are properly applicable to the material in question.

The report of the Traffic Department of the Board, dated May 20 last, deals in detail with the whole situation and, I think, satisfactorily disposes of it. I would adopt that report and incorporate it as part of the judgment of the Board, and concur in its conclusions.

The application must be dismissed.



BOARD OF RAILWAY COMMISSIONERS FOR CANADA—TRAFFIC DEPARTMENT,  
OTTAWA, ONT., May 20, 1921.

T.D. 13935  
File No. 27685.14

Report of Geo. A. Brown, Chief Clerk, Traffic Department.

Applicants have established mills at various points for the manufacture of lath direct from the log instead of from slabs and have been paying on their inward material the log mileage rates applicable for manufacturing purposes. They claim that rates should be no higher than applied on cordwood shipped to chemical plants or on pulpwood to mills for manufacturing and reshipment.

Since the application was made there has been a change in the mileage scales by reason of the reduction on January 1, 1921, under the Board's General Order No. 308 and to show the relation between the different scales I give below the present published rates up to 200 miles, which is the limit of the territory from which applicants receive their raw material, also the mileage rates applicable on lumber, lath, shingles and other products of saw-mills:—

|                          |  |  |  | Rates in cents       |                      |                  |                      |
|--------------------------|--|--|--|----------------------|----------------------|------------------|----------------------|
|                          |  |  |  | A<br>Per 100<br>lbs. | B<br>Per 100<br>lbs. | C<br>Per<br>Cord | D<br>Per 100<br>lbs. |
| Not over 5 miles.        |  |  |  | 5½                   | 4                    | 135              | 7                    |
| Over 5 not over 10 miles |  |  |  | 5½                   | 5½                   | 135              | 7½                   |
| " 10 " 20 "              |  |  |  | 6                    | 5½                   | 149              | 9                    |
| " 20 " 30 "              |  |  |  | 7½                   | 6                    | 162              | 10                   |
| " 30 " 40 "              |  |  |  | 8                    | 6                    | 176              | 11                   |
| " 40 " 50 "              |  |  |  | 8                    | 7                    | 189              | 12                   |
| " 50 " 60 "              |  |  |  | 9                    | 7½                   | 203              | 13½                  |
| " 60 " 70 "              |  |  |  | 9                    | 7½                   | 210              | 14                   |
| " 70 " 80 "              |  |  |  | 11                   | 9                    | 216              | 16                   |
| " 80 " 90 "              |  |  |  | 11                   | 9                    | 223              | 17                   |
| " 90 " 100 "             |  |  |  | 11                   | 9½                   | 230              | 17½                  |
| " 100 " 125 "            |  |  |  | 11½                  | 10                   | 243              | 19                   |
| " 125 " 150 "            |  |  |  | 12                   | 11                   | 257              | 19½                  |
| " 150 " 175 "            |  |  |  | 14                   | 12                   | 270              | 19½                  |
| " 175 " 200 "            |  |  |  | 16                   | 13½                  | 284              | 21                   |

- A Logs for manufacturing.
  - B Pulpwood for manufacturing.
  - C Cordwood for chemical plants.
  - D Lumber, Lath, Pulpwood, etc.
- Tariff C.P. CRC. E-3818.  
Tariff G.T. CRC. E-4397.

The rates applied on wood for chemical plants are on a very low basis, lower than on cordwood for fuel purposes, although the latter commodity was increased but ten per cent under the last General Increase Judgment.

They were established many years ago by railways to encourage plants producing commodities which pay comparatively high freight rates on the outward products, charcoal, acetate of lime and wood alcohol, while the lath to be shipped by Applicants is carried at mileage or special commodity rates much lower than 10th class rates: It is true that there is some analogy between the commodities used by the chemical plants and that used by Applicants since both are wood but it will be noticed that in the copy of the poster submitted by Applicants it is required that the wood to be shipped shall be sound, straight timber. It would, therefore, appear that the material required must be selected while I assume the chemical plants take hard wood cordwood without such restriction.



## SESSIONAL PAPER No. 20c

The pine, spruce, balsam and poplar may be used as pulpwood and the balance must be culled. The statement that applicants are using a material that could not otherwise be disposed of by settlers does not appear to be quite correct.

The expense bills submitted by Mr. Ranson show that Applicants are culling this pulpwood and reshipping without further process of manufacture.

The mileage rates on pulpwood for manufacture and reshipment apply only to certain named paper mills and the products, pulp and paper, are charged at rates much higher than applicable to lath.

These mileage rates on raw material are all more or less predicated on the rates to be obtained on the outward product.

The mills who manufacture from slabs pay the log mileage rate on their inward material and Applicants do not, therefore, appear to be at a disadvantage in competition with such mills by being required to pay the same inward rate.

According to the poster submitted applicants require pine, spruce, balsam, hemlock, tamarac, poplar, cedar, and ash to be cut 49 inches long, and 4 inches and up in diameter at the small end. The material, therefore, consists of short, small logs, not cordwood.

Much of this material could be cut into box shooks, as well as into lath, and possibly the cedar could be used for shingle bolts, all of which would be shipped out at rates lower than applicable to products of paper mills or wood chemical plants.

In my opinion, the material received by complainants has been properly classified by the railways as logs for manufacturing, and I can see no reason why rates lower than the published scale should be established.

Respectfully submitted.

GEO. A. BROWN,  
*Chief Clerk, Traffic Department.*

## PASSENGER FARES ON THE INTERNATIONAL BRIDGE BETWEEN BRIDGEBURG AND BLACK ROCK

*Judgment, Commissioner Boyce, November 10, 1921.*

Complaint as to passenger fares on the International bridge between Bridgeburg and Black Rock on what is called the "Dummy Service" was referred to and brought to the attention of the Board by Mr. J. F. Gross, counsel for the town of Bridgeburg, at the hearing in Toronto, March 5, 1920, of the complaints against the increased commutation fares proposed to be charged by railway companies generally. The case for the complainants was there put before the Board, in a general way, in support of the complaint that the Grand Trunk Railway operating over the International bridge was charging more for fares than was justified by the service given by the company thereof. The reply of the Grand Trunk Railway was subsequently filed and a statement showing the earnings and operation expenses by months, during the years 1918 and 1919 was filed and served upon the complainants. The statement showed a loss in operation upon what is called the "Dummy Service", in 1918 of \$4,837.71 and in 1919 of \$2,692.95. During the whole of the years 1918-19 the statement showed a straight monthly loss from operation, with the exception of one month (October, 1919) which showed a profit of \$21.51. The net loss for these two years shown by this statement therefore, amounted at that time, to \$7,530.66.

The judgment in the Commutation Rates Case, dated April 1, 1920, fixed the minimum charge for this class of traffic at 7½ cents per ride, or 10 trip tickets, good for three months, on the basis of 2.5 cents a mile of travel, subject to the minimum of 7½ cents per ride, and following the Order issued thereupon the Grand Trunk Railway Company published a tariff of 75 cents for 10-trip tickets between Bridgeburg and Black Rock. The railway company thereafter increased the charge for such



10-trip tickets to 90 cents, claiming that the Order of the Interstate Commerce Commission in *ex parte* No. 74 allowed an increase of 20 per cent in commutation fares within the United States, and that under General Order No. 303 of this Board the conditions within Canada were allowed to apply similar increases in international rates. This latter rate of 90 cents was disallowed by this Board, upon the ground that Order No. 29512, (the order in the commutation rates case) governed this rate and the minimum of 7½ cents applied, and the railway then adopted, effective May 18, 1920, the rate fixed by the Commutation Rates Order, above quoted, at 7.5 cents per ride. Prior to June 10, 1918, the rate per ride for these tickets was 5 cents, and on June 10, it was advanced to 5.5 cents per ride.

By application, dated November 9, 1920, the town of Bridgeburg applied to the Board for an order, under sections 335 and 359 of the Railway Act, directing the railway and the International Bridge Company to reduce the rates on the "Dummy Service" across the International bridge between Bridgeburg and Black Rock, below the rate fixed as above by the Commutation Rates Order (No. 29592, April 1, 1920), the municipality contending, *inter alia*, that the service was not a commutation service in the sense ordinarily used, and that the Commutation Rates Order therefore, was not applicable to such service. The applicants also contended that the statute incorporating the Bridge Company (20 Vict., 1857, Cap. 227, section 14.) provided that the International bridge should be as well for the passage of persons on foot, in carriages, and otherwise, as for the passage of railway trains, and that the bridge was constructed, and had always been used, solely for the passage of railway trains, and that the "Dummy Service" had been instituted in lieu of the provision for the passage of persons on foot and in carriage as they were permitted to do by the statute in question, and that therefore the tariff was a bridge tariff rather than a commutation fare.

Upon this basis of complaint the case was heard before the Board, and all questions relating to the history of the bridge, the character, and cost of the service, were fully discussed by counsel for the municipality and the railway. The municipality, by its counsel, contended that the Statute incorporating the Bridge Company, referred to above, constituted a contract between the Bridge Company and the public permitting passengers to cross the bridge, and that there was a continuous breach of this arrangement in the operation by the company, and also that the cost of service over the bridge did not justify the rates charged by the railway company.

In regard to the first objection, it is pointed out that the clause in question (No. 14 of the original Act) has been the occasion of a great deal of litigation, running as far back as the old case of Attorney General of Ontario v. International Bridge Company, 27 Grant Chancery Reports, p. 37, wherein was contended by the Attorney General of the province that the bridge having been constructed, and being used for railway purposes only, and not providing foot path for passengers, the whole structure should be declared a nuisance, and Vice-Chancellor Sprague in an exhaustive judgment, while not holding that the bridge should be declared a nuisance did give effect to the second part of his contention and ordered the railway company to provide a foot path to conform to the requirements of section 14 of the original Act of Incorporation. This decision, however, on appeal was reversed. Vice Attorney General v. International Bridge Company, 6 O.A.R., p. 537, it being there held that the abandonment of that portion of the work of the bridge relating to foot passengers and carriages was not a public nuisance; and the Act of Incorporation was not a contract with the public, but merely gave conditional powers creating correlative duties, and was permissive; and that specific performance thereof would not be enforced. It was further held, upon appeal, that the work being one within the jurisdiction of the Parliament of Canada, which with the knowledge of the state of the bridge, had allowed debentures to be issued upon it, and that therefore the Attorney General of Ontario was not a proper party to file the information asking that it be declared a nuisance, or to enforce the legislative conditions as to its use, and had no locus standing in the case.



## SESSIONAL PAPER No. 20c

Although doubtless the clause referred to embodied in the original Act of Incorporation had been fruitful of a great deal of public controversy and complaint and some litigation, it is not apparent that any other judicial interpretation of the controversial clause 14 has been made, other than that by the Ontario Court of Appeal cited, that is of an interpretative and final character, so as to be binding upon this Board as a matter of law, and the traffic over the bridge has been conducted by this "Dummy Service" instituted by the Railway Company to provide passenger traffic and being a traffic within the jurisdiction of the Board, my view is that, there being no decision of law to the contrary binding upon this Board that the Board must deal with the traffic as it is and confine its examination of the complaint to the question of the reasonableness of the rates charged for that traffic, and I am of opinion that it is not within the scope of this Board's authority and jurisdiction, under the Railway Act of Canada, as Administrator of the provisions thereof relating to traffic, to now interpret section 14 of the original Act of Incorporation of this Bridge Company, or of any other Act or Section thereof relating thereto, in the manner contended for.

The bridge is .86 of a mile in length—i.e. for the purposes of tariff, a mile—and the fare charged is the minimum fare fixed by the Order of the Board, No. 29512, of April 1, 1920. Mr. Gross, for the municipality, was not able to show from figures that the costs were excessive. It was but reasonable that he found himself compelled to confine himself to general statements. His submissions involved the argument that as the bridge is .86 of a mile in length and the "Dummy train" makes 40 single trips daily, it therefore travels 34.40 miles a day for 365 days in a year, making a total of 12,575 per annum, at a cost for the year 1919 of \$17,228.08, or \$1.35 per mile, or nearly \$1.66 for each single trip. He contended that that result shows from the amount of repairs that the outfit is antiquated, from the amount of coal consumed that it is uneconomical, and from the amount of wages paid that it is not capable of performing the service economically, and that therefore, the public is not getting the service it is entitled to. Mr. Chisholm pointed out that the original statute fixed the maximum of tolls to be charged upon the bridge at 25 cents for each foot passenger, 50 cents for each horse and rider, 60 cents for each horse and single carriage, and an addition of 18 $\frac{3}{4}$  cents for each passenger actually travelling in said carriage, etc. He points out that the charge of 25 cents has been reduced over a period of years to 9 cents, and later by the Order of the Board referred to, to 7 $\frac{1}{2}$  cents. "Dummy Service" is operated by an Engineer, Fireman, Conductor and two crews. The operation is in conformity with the general operating rules approved by this Board. The operation is by car 54 to 60 feet long, with an engine and boiler in one end of the car—i.e. one vehicle with an engine operated by steam, in part of the car. The figures originally given by Mr. Chisholm, after the partial hearing that this case received at Toronto, in connection with the Commutation Rates Case, were furnished in detail for the years 1918 and 1919 by items of wages, coal, supplies, handling, repairs, and rental, applicable to motive power and car cleaning and car rental. The wages, coal supplies, and handling, are based upon actual disbursement. The repairs are figured upon a mileage basis. The rental of \$220.64 per month of \$2,647.68 per annum is based upon 9 per cent of the original cost of the motor cars, being 5 per cent interest, 3 per cent depreciation, and 1 per cent for insurance, etc.

Where locomotives were used during the time that the "Dummy Service" was undergoing repairs, dates of which are furnished, the same is charged at \$4.90 per day. The items for car cleaning, amounting in 1918 to \$652.90 and 1919, to \$968.12, are the actual amounts disbursed, and the car rental of \$36.04 per month during these years is charged at the number of days of car service, at \$5 per day. These figures are not successfully challenged by Mr. Gross, although objected to as excessive.

I do not see any ground upon which the Board, in the circumstances, can take exception to them, although a reduction in the cost of operation is very much to be wished, and might possibly, with little difficulty, be worked out, but these payments



12 GEORGE V, A. 1922

represent the respective net operating deficits above referred to for the years 1918 and 1919, and under the circumstances, I am compelled to come to the conclusion that there is no ground upon which the Board can hold that for anything shown in the cost of operation, the minimum fare fixed by the Board's order, above referred to, is an excessive rate for this service, operated as it is at present, and I would so hold.

It was contended by Mr. Gross that a gasoline car might be instituted for this service by the railway, which would have the effect of greatly reducing cost of operation, with the result that the public might get the benefit by reduced fares. The operation at present, as I have above stated, is governed by the general operating rules applicable to all railways. There is no provision at present either in the Railway Act or by regulation of this Board for the operation of a steam railway under the jurisdiction of this Board by gasoline cars; i.e. a prospective innovation and reformation applicable to short distance lines, which perhaps is much to be desired and may bring about much needed reform by facilitating operations on short distance lines, where cost of ordinary operation would be prohibitive. Such a reform would involve changes in operating rules and other serious considerations involving the necessary and vital provision for public safety, and at present the Board has not gone to the extent of making provision for such a service. Perhaps in the future the railways may be able to satisfy the Board that such operation is possible with safety and economy, under special restrictive conditions.

The complaint must be dismissed.

*Re* PROPOSED REDUCTIONS IN FREIGHT RATES AND SLEEPING, PULLMAN, AND PARLOR CAR  
FARES

*Judgment, Chief Commissioner Carvell, September 13, 1921, concurred in by the  
Deputy Chief Commissioner.*

Under section 325 of the Railway Act, 1919, subsection (1):—

“The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.”

About a month ago, the Board, of its own motion, instituted an investigation to decide whether or not a change should be made in the freight, pullman and sleeping car rates as now existing in Canada, and requested the railway companies of Canada under its jurisdiction to meet the Board at Ottawa on Tuesday, the 30th day of August last, for the purpose of discussing the whole situation. The proceedings were informal, in the nature of a conference, because we felt that, if a reduction in rates was justified, then no greater delay should be allowed than was absolutely necessary and also that we would probably have a better opportunity of discussing the whole situation than we would at a public hearing.

At the conference, the Canadian Pacific, Grand Trunk, Canadian National, New York Central, Michigan Central, and Temiscouata Railways were specially represented by their officials and, in most cases, solicitors, and all other railways under our jurisdiction were represented by the Railway Association of Canada. Continuous conferences have taken place almost daily down to the present time. Statements were furnished by some of the railways, principally by the Canadian Pacific. I think I am safe in saying that they all deprecated any serious reduction in rates, but contended that, if a reduction were to be made, it should be on special commodities which, in their judgment, would be of particular benefit in expediting commercial transactions in Canada rather than a percentage decrease covering traffic of all kinds.



## SESSIONAL PAPER No. 20c

They all agreed, however, that there should be a reduction in sleeping, pullman, and parlor car rates, practically admitting that the present rates were so high as to prevent a certain amount of traffic. There were some suggestions that the reduction in the rates governing this particular class of traffic should be graduated according to distance, giving a greater percentage reduction on long distance traffic than on the shorter, and with this view on general principals I am inclined to be in accord, but no details have been furnished us up to the present time.

By the Rate Judgment of August, 1920, a flat increase of 40 per cent in Eastern Canada and 35 per cent in Western Canada was given on all freight traffic, with a few exceptions more particularly referred to hereafter, up to the end of December, 1920, and thereafter of 25 per cent in Eastern Canada and 30 per cent in the west and a 50 per cent increase in sleeping car, pullman, and parlor car fares. It was strongly contended by the representatives of the Grand Trunk and Canadian National roads that their finances were such that a rate reduction of any kind excepting that in sleeping car rates, etc., would be a gross injustice to them because, with the Canadian National in particular, their operating expenses far exceed their revenues and a reduction in rates would only aggravate the difficulties under which they were labouring.

In the case of the Canadian Pacific Railway Company, they contended that any reduction in rates would probably endanger their chances of earning dividends for the current year. The decision of this Board in the August Case of 1920 was referred to, in which it was contended that on account of the strong financial position which the Canadian Pacific Railway has occupied in the business life of Canada for many years past, any rate arrangement should be such as to leave them in a position to earn their dividend of 7 per cent. I agreed with that proposition then and reiterate it here, and, therefore, in arriving at a conclusion at the present time, I am doing so entirely on an examination of the traffic and financial requirements of the Canadian Pacific Railway Company.

That company filed with us a very comprehensive analysis of all kinds of traffic for the first seven months of the present year, January to July inclusive, and an estimate of receipts and expenditures for the remaining five months. During the discussions, they were able to produce the gross receipts for the month of August, but the amounts credited to each particular kind of traffic had not been segregated, and therefore we have not the benefit of this information so far as that month is concerned, neither have we any statement of their expenditures.

In the statement filed, they estimated a small deficit. In doing so, they pointed out many important reductions which have been made during the past eight months, and particularly within the last two or three months, which are very considerable and will, to that extent, affect their net at the end of the financial year. Perhaps the two most important reductions are grain from Fort William and lake ports, both to the seaboard and for domestic consumption in Eastern Canada, and live stock. In the case of grain for export, the reduction amounts to 3 cents per 100 pounds from Fort William and 5 cents per 100 pounds from bay ports. They propose to increase the 3 cent reduction from Fort William by  $7\frac{1}{2}$  cents, or a total of  $10\frac{1}{2}$  cents per 100 pounds, and to reduce the rate on grain for domestic consumption from Fort William by  $4\frac{1}{2}$  cents per 100 pounds and the rate on grain between stations in Eastern Canada by  $2\frac{1}{2}$  cents per 100 pounds. This, they estimate, will amount to a reduction in revenue of \$1,169,000. In the case of livestock, the reduction amounts to about 25 per cent of the existing rates. The last reduction was made with the entire concurrence of the Board in the month of July last owing to the serious condition in which that important industry found itself by reason of existing economic conditions, and will, according to the company's estimate, amount to \$220,000 from the date of reduction.

They propose a reduction in the rate on hay of 25 per cent, which will amount to \$143,000 this due to the shortage in the hay crop in the provinces of Ontario



and Quebec and, to some extent, in the Maritime Provinces. They have made reductions in the rate on lumber from the Pacific coast to eastern points amounting to \$95,982. They have made reductions in the rates on smelter products to United States points, effective September 22 instant, and to Canadian points, effective August 18 last, which they estimate will produce a reduction in revenue of \$46,985. They propose a reduction in the rate on dressed meats and packing house products from western packing house plants to eastern destinations, but do not state either the percentage of reduction or the estimated loss of revenue therefrom. They have made reductions in wool and hides from western to eastern points which they estimate will amount to about \$9,000. In addition to these specific cases, a number of substantial reductions have been made between various points and on various commodities, but, as we have not been furnished with details of quantities, I am unable to give any estimate of what the result will be in their revenues. By another computation, they estimate that, with the reductions already in effect and those contemplated, the total reduction in freight rates for the remainder of the year will be \$2,800,000. These are all very important and are all taken into consideration in arriving at their estimate of their net for the whole year, which, as I said before, they estimate will produce a slight deficit after providing for fixed charges, pensions, Income Tax, and dividends.

The rates granted the railway companies of Canada a year ago were very severe, and I am not at all surprised that they were a great shock to the people generally, who were compelled to patronize the railways and who, of course, would have to pay the extra rates, and yet, after a year's experience and a very close study of the traffic returns from month to month, I am satisfied they were entirely justified and nothing less would have complied with the requirements of the law which says that we should give to the transportation companies "just and reasonable rates". In fact, the final results to the Canadian Pacific Railway Company for the last year, even under these very high rates, only gave them a surplus of \$450,000 after paying their dividends.

At that time, the Chicago Wage Award had gone into effect in the United States, and the executives of the different railways in Canada felt that they were compelled to give the same increases here as had been granted in that country, which, in the case of the Canadian Pacific Railway Company, were estimated at an increase of about \$21,000,000 annually, something over \$7,000,000 being required to meet these wages back to the 1st of May, 1920, because the increased wages went into effect on that date in the United States.

As I felt that in order to avert a catastrophe to the railway companies of Canada a year ago we were compelled to give the increases above referred to, when the same Board in the United States some months ago ordered a reduction in the wages of the employees of the United States railways which amounted to about 12½ per cent, I naturally felt that the Canadian railways should at least make a like reduction, and we are informed they have already put these reductions into effect, dating, in the case of the Canadian Pacific Railway Company, from the 16th day of July last, and all the roads now paying their men on this reduced basis.

Also, as it is admitted by the railways that their materials are costing them at least 25 per cent less than a year ago, I had a very strong impression that the public was entitled to a substantial reduction in freight rates. It could not be exactly the same amount, because our passenger rates, which were increased 20 per cent up to the end of December, 1920, then 10 per cent until the 1st of July, are now back to where they were prior to the Rate Judgment, and there were no increases on a number of commodities hereinafter referred to. My object, therefore, in inviting the railway companies to a conference was to ascertain what would be a reasonable reduction in freight, sleeping, and parlor car rates in order to correspond with the reduction in operating expenses.



## SESSIONAL PAPER No. 20c

I was also very strongly fortified in this opinion by an examination of the Canadian Pacific Railway Company's traffic returns for the first seven months of this year, in which they show net earnings practically \$2,000,000 greater than for the corresponding seven months of 1920. An examination also shows that, during the months of January and February, only a very slight improvement took place in their operations, but, beginning with the month of March, the Canadian Pacific Railway Company have applied their well-known efficient business methods to the operation of their road. Their net, month by month, has shown a satisfactory increase. In March, it amounted to \$2,450,000, in April to \$2,646,000, in May to \$3,293,000, in June to \$3,104,000, and in July to \$2,054,000, the reduction during the month of July being accounted for by a large increase in maintenance and equipment charges in getting ready for the fall business. The August net is not available, but we know that the gross is \$16,647,000, or an increase over the July gross of about \$900,000, and I think it fair to assume that their net will show a very satisfactory increase, the result of these economies as above stated being to show a net of nearly \$2,000,000 over the same period for 1920. I am satisfied, not only from the statements of the company's officials but also from a careful analysis of their monthly statements, that this great saving has been accomplished without in any way reducing the high standard of their right of way, equipment, and system in general. It is certainly, considering the great decrease in general business, a wonderful tribute to the business sagacity and ability of this organization.

The problem before us is what will be the results of the last four months of the company's fiscal year. Of course, it can only be an estimate, but the railway company should be in a position to estimate results more accurately than I could do, and I naturally in arriving at a conclusion felt that I must scrutinize very closely these estimates and see whether or not in my opinion they are justifiable. On the whole, I think they are fairly accurate, but I am compelled to disagree with them on a few very important items.

In the first place, they state that, during the last four months of 1920, their revenue from the transportation of grain and grain products from the point of origin to the head of the lakes was \$20,762,000, and they estimate that, during the like period of this year, it will fall to \$13,387,000, a drop of \$7,374,000, or a decrease of 34 per cent. They point out in justification of this estimate that, on account of crop conditions in Western Canada, the northern portions of the country which are served more largely by the Canadian National Railway lines than by the Canadian Pacific will produce the greater proportion of the grain, and naturally the Canadian National Railway will transport a greater proportion than last year. They also contend that the average haul will be about 20 per cent less than last year in mileage, and, of course, the rate will be 5 per cent less than in 1920, but, with the Canadian Pacific Railway Company's well-known business ability, with their efficient operating staffs, excellent roadbeds, and adequate equipment, I cannot agree that there will be a reduction of anything like 34 per cent in their revenue, especially when they admit that the grain crop will be 4 per cent greater than it was last year. How much less is their estimate than the actual result will be, of course, I am unable to state, because, after all, it is only an estimate, but I will be very much surprised if their revenue from this commodity is not \$2,000,000 greater than their estimate.

Taking the system as a whole, they arrive at their estimate of gross expenses for the last five months of 1921 by applying the percentage of total expenses to total revenue as found in 1920 to a like period in 1921, and, in the statement which they furnish us, they took the total receipts for the last five months of 1920 and the total expenses for the same period and found that the expenditures amounted to 84 per cent of the receipts, and, after estimating the total receipts for the last five months of 1921, they estimated their total expenses on the same basis to be \$70,830,000. From this they deducted certain amounts for the decrease in the cost of labour and materials, amounting to \$7,302,000, and added \$2,800,000, provision for rails and fastenings and the necessary labour in laying same, making the net estimated



expenses for that period \$66,328,000, and, by adding this to the actual expenditures for the first seven months of 1921, arrived at their estimated expenditures for the full year, which, when placed against the estimated revenues, showed, as before stated, a small deficit.

Their attention was called to the fact that, in the months of October, November, and December of 1920, they had included about \$3,400,000 for the retroactive wages of May and June, the result being that a new computation was made based upon an operating ratio of 81.99, or practically 82 per cent, which reduced their estimated deficit by about \$1,500,000, thus leaving the deficit around \$1,100,000.

If they arrived at the estimated expenditures for the last five months of 1921 upon the same operating ratio as that for 1920, it is perfectly clear that they included in that estimate the same percentage of requirements for rails, fastenings, and the laying of the same as was provided for 1920, and I find from an examination of their traffic returns that, during these five months, they actually expended for these items \$5,945,000. I naturally inquired why it was necessary to include an estimated expenditure for these same items during the last five months of this year in addition to what they had already provided for by \$2,800,000. This was called to their attention, and the answer was that it was required to bring up the expenditure for this year to what would be required to keep their track in proper condition as these items had been very seriously reduced in the first seven months of this year. I find, however, from an examination of their statements that, during the first seven months of 1920, they expended for these items \$5,435,000 and, for the same period of 1921, \$4,984,000, or a reduction of less than \$450,000. Considering the general reduction in business, in my opinion, the amount expended during the first seven months of this year is quite equal to, if not in excess of, the amount expended for like purposes in the first seven months of 1920, and, therefore, I conclude that they are not justified in adding the item of \$2,800,000 to their estimated expenditures for the last five months of this year. Applying this item alone to their estimated deficit of \$1,100,000, I find they would have a surplus of \$1,673,000.

Then again, I find they estimate for the present year that they will require the sum of \$2,381,498 for income tax, but \$2,300,000 was included in their expenditures for the months of November and December, 1920, for income tax, and, as they have estimated for 1921 the same ratio of expenditures to revenues as actually obtained in 1920, they have already included in their estimated expenses for this year 82 per cent of \$2,300,000, or \$1,886,000, and I am unable to see that they are justified in doing this a second time as they have done. Therefore, instead of adding \$2,381,498, they would have been entitled to add only \$495,498, which would bring their surplus to over \$3,500,000.

I cannot, however, agree that the expenditures for the last five months of this year will be in the same ratio to earnings as they were in 1920. I find from their returns that, during the months of January and February of 1921, their operating ratio was just about the same as it was in 1920, but, from that time down to the end of July last, being the last month for which we have accurate returns, a very, very substantial improvement has taken place in their operating ratios, as will be seen by the following table:—

OPERATING RATIOS

|            | 1920      | 1921      | Decrease  |
|------------|-----------|-----------|-----------|
|            | per cent. | per cent. | per cent. |
| January    | 94.63     | 94.13     | 0.50      |
| February   | 93.56     | 91.93     | 1.53      |
| March      | 86.52     | 81.95     | 4.57      |
| April..... | 81.29     | 79.18     | 5.11      |
| May.....   | 79.35     | 74.18     | 5.17      |
| June       | 81.17     | 77.90     | 6.47      |
| July       | 91.43     | 87.12     | 4.31      |



## SESSIONAL PAPER No. 20c

This shows an average reduction for the five months, March to July inclusive, of over 5 per cent, due entirely to more economical management, for which the company is entitled to the very greatest credit imaginable. I cannot bring myself to believe that for the remainder of the year they will discontinue this excellent business management and bring their operating ratio back on a parity with what it was for the last five months of 1920. In other words, there must be a continuation of this reduction in operating ratio which, at the end of the year, should show an improvement at least as great as that for the first seven months, which amounted to \$2,000,000, because, while the period is shorter, the traffic is very much greater. If this estimate is anywhere nearly correct, it would give the company a surplus of well over \$4,000,000.

I am not satisfied with their estimate of the reduction in revenue under the item of all other kinds of traffic, which includes everything excepting grain and grain products, hay, lumber, anthracite coal, bituminous coal, ores, live stock, and dressed meats. They estimate a reduction of about 21 per cent, because that was the average reduction on this traffic for the first seven months of this year, but I find that, for the month of July, this reduction only amounted to 13 per cent, and, therefore, while I cannot say to what extent this estimated revenue is smaller than it should be, yet I see no reason why the full 21 per cent should be deducted and think these items will yield more revenue than they anticipate, but, as the question is largely problematical, I make no venture as to the actual amount.

There is one other small item in which their estimates are clearly wrong, although I can quite understand how it happened, that is, the rates for the carrying of mail. A new agreement was made with the Government, effective the 1st day of March, 1921, by which their receipts from this source are practically doubled, and, in arriving at the estimate for the last five months, they took the average for the first seven and applied it to the last five. I find, however, that, if we take the average March to July inclusive and apply it to the last five months of this year, their revenues will be \$200,000 more than their estimate.

I, therefore, think that, instead of showing a deficit of \$1,100,000, they will have a substantial surplus after meeting all dividend requirements and, of course, fixed charges, pensions, and income tax. If I am correct in this estimate, then there should be a reduction in rates, because the public is entitled to every cent of reduction in rates which is possible under existing circumstances. A year ago, this Board gave the railway companies a percentage increase in rates on all traffic excepting a few items hereinafter referred to such as sand, gravel, crushed stone, etc., and, as they were given, at least by me, under the firm conviction of absolute necessity, with the hope that some time in the near future rates might be brought back to the same basis as existed in the month of August, 1920, I can never be privy to allowing these rates to remain on their present basis subject to a few special reductions which the railway companies would like to make for any reason which to them may seem proper. It is not my conception of the duties of the Board of Railway Commissioners under the Railway Act. As they have already made very considerable reductions, which I have particularly referred to, I think they could stand a ten per cent reduction on the remainder of their freight traffic and still pay the dividends.

I, therefore, think an order should issue instructing all steam railway companies in Canada under the jurisdiction of this Board to file tariffs, effective the 21st day of September instant, reducing the fares on their sleeping, Pullman, and parlour cars by 25 per cent—not 25 per cent from existing rates, but, going back to 1920, when they were given an increase of 50 per cent, it should now be figured upon an increase as of that date of 25 per cent. This, I am sure, will produce more money at the end of the year to the railway companies than they could possibly earn under present rates, because, as before stated, I am satisfied those rates are so high that they are preventing much traffic which otherwise they would obtain. That all freight rates



12 GEORGE V, A. 1922

other than those upon which decreases have already been made, and also those hereinafter especially provided for, should be decreased by ten per cent from the increases given in 1920, which would leave the increase in Western Canada at 20 per cent and in Eastern Canada at 25 per cent. In cases where the reductions already granted have not amounted to 10 per cent, they should be reduced to that point, and, of course, where they exceed 10 per cent, they will remain as at present. There will be no reductions on crushed stone, sand, and gravel, cordwood, slabs, edgings, and saw-mill refuse when used exclusively for fuel, and milk, as no increases were given on these commodities by the 1920 Order. There should be no reduction on coal because the increases on this commodity in no case exceeded 20 cents per ton and were graduated down to 15 cents and 10 cents per ton according to distance. There should be no decrease in the minimum class rate scale as established by Order in Council P.C. 1863 and now in force by an order of this Board or in the minimum charge per shipment, as these were not increased a year ago. There will be no decrease in commutation or passenger fares, because passenger fares are now back to where they were in 1920 and the commutation fares have been dealt with by a special order of this Board. The decrease hereby ordered shall only be for line hauls and shall not affect local switching rates, tolls for interswitching, or such incidental services as milling-in-transit, diversions, reconsignments, stop-overs, demurrage, weighing, and the like, as they were not dealt with by the 1920 order. In arriving at these decreases, existing spreads between the rates from the various mills in British Columbia shall be maintained, the same as provided for in the order of 1920, and, of course, the export rates will not be affected by this Order, as they were the subject of a special order of the Board. In working out the rates under this judgment, fractions will be disposed of as set out in Order in Council, P.C. 1863.

*Judgment, Assistant Chief Commissioner McLean, September 13, 1921, concurred in by Commissioners Boyce and Rutherford.*

In the present case, as in the Board's judgment in the Rate Application of 1920, the position of the Canadian Pacific Railway Company is taken as the test. The Chief Commissioner, in his decision in the 1920 application, expressed the opinion that the rates the judgment sanctioned would "very nearly give the Canadian Pacific Railway an even balance sheet at the end of the present year, and for the year 1921, according to my estimate, should give them a reasonable surplus. . . ." The Chief Commissioner's position in the present case is expressly the same.

Under the reduction in wages which the Canadian Pacific provided for, effective July 16, 1921, it is estimated this represents from July 16 to December 31 a reduction of \$4,787,000, while for the period August to December it is \$4,300,000. The amount so involved is in either case in excess of the surplus estimated in the Chief Commissioner's judgment in the present matter.

While provision was made by the Canadian Pacific for a reduction in wages, with a corresponding reduction in the pay-cheques, this has not up to date so gone into the funds of the company as to be available for reduction of operating costs. Whether it will remain with the company or whether it will finally be paid to the employees will be involved in proceedings before a special tribunal.

Parliament has provided by legislation for rate regulative powers to be exercised by a regulative tribunal operating under the Railway Act. It has also provided by distinct and separate legislation for investigatory powers in respect of labour disputes, and for the appointment of special tribunals in connection therewith.

On August 4, 1921, the Engineers, Firemen, Conductors, Trainmen and Telegraphers made application to the Department of Labour for the appointment, under the Industrial Disputes Investigation Act of 1907, of a Board of Conciliation and



## SESSIONAL PAPER No. 20c

Investigation. The Minister of Labour acceded to this application. The Board of Conciliation and Investigation is now in process of constitution.

The question of wage reduction is the pivotal one in the present consideration of reduction in operating costs, with its consequent bearing on rates.

What is herein involved is a rate reduction based essentially on a wage reduction.

Pending the decision of the special tribunal appointed to investigate as to the wage question involved, I do not feel that I am justified in expressing an opinion on the propriety of a rate reduction based essentially on a wage reduction whose justifiability is at present under investigation.

*Judgment, Assistant Chief Commissioner McLean, November 23, 1921.*

Prior to the issuance of my memorandum of September 13, 1921, I had expressed, in the Board's preliminary discussions, the opinion that if, on the facts, a rate decrease was found justifiable, it should be a percentage decrease. The increase having been a percentage one, there appeared to be merit in the contention that the decrease should also be a percentage one.

My memorandum, above referred to, set out the opinion that the determination of the justifiability of a decrease in rates pivoted on the question of wage reductions—a matter then under consideration before a special tribunal. I was of opinion that until the outcome of this wage investigation was made apparent I was not justified in expressing an opinion as to a rate reduction based on a wage reduction when the latter was still unsettled. That is to say, that until information was available as to the outcome of the pending hearing regarding wage reductions, I was not in a position to express an opinion as to whether there should be a rate reduction or as to what the extent of a rate reduction might properly be.

Owing to the nature and complexity of the agreement between the Canadian Pacific and its employees, arrived at on October 8, 1921, on the eve of the Board's western sittings, in which I participated, I was unable, before leaving for the West, to obtain any information to enable me to measure the amount and effect of what was covered by the agreement in question.

Notwithstanding my endeavours, I was unable, until my return from the West, to obtain the necessary information as to the effect and extent of the wage reduction. This information having been obtained, the difficulty in the way of arriving at a conclusion was removed; and I was of opinion that a percentage decrease in rates was justifiable.

I am, therefore, in agreement with the Board's decision as communicated in summary form to the public and embodied in a general order making the Board's decision operative.

*Judgment, Commissioners Boyce and Rutherford, November 23, 1921.*

The memorandum of the Assistant Chief Commissioner, relative to the rate reductions now ordered, sets forth very clearly, save in one particular, the position of the two other members of the Board, who did not see their way to concur in the judgment of the Chief Commissioner, as issued on September 13, 1921.

During the conferences preceding the issue of the judgment in question, we were throughout strongly in favour of the policy of requiring from the railway companies substantial reductions in the freight rates on basic commodities, such as grain, lumber, pulpwood, coal, ores and other specified raw materials, as being of vastly greater importance than a percentage reduction on all classes of freight, the benefits derived from which will, in many cases, be absorbed before they reach the general public.

The principle of the policy advocated by us was illustrated by the substantial reduction in the rates on live stock granted in August last, as also by the special



12 GEORGE V, A. 1922

treatment given to the rates on coal, milk and other articles in the judgment of the Chief Commissioner granting the rate increases in September, 1920. It is further illustrated by the substantial rate reductions on basic commodities which will shortly come into effect in the United States, as a result of the recent orders of the Interstate Commerce Commission.

As however, we were in a minority we were prepared to agree in the straight percentage reduction and would have done so, but for the reasons set forth in the Judgment of the Assistant Chief Commissioner of September 13, 1921 (in which we concurred), and in his memorandum of even date on the present situation. We are therefore, in agreement with the Board's decision, as communicated in summary form to the public and embodied in a general order, making the Board's decision operative.

APPLICATION CANADIAN FISHERIES ASSOCIATION, PRINCE RUPERT BRANCH, FOR REDUCTION IN SWITCHING CHARGES

*Judgment, Assistant Chief Commissioner McLean, November 23, 1921, concurred in by The Chief Commissioner, Deputy Chief Commissioner, and Commissioners Boyce and Rutherford.*

Under date of October 6, 1920, at a sittings in Prince Rupert before the Chief Commissioner and Deputy Chief Commissioner, complaint was made regarding the increase in switching charges at Prince Rupert. It was stated that prior to July, 1920, the switching charge had been \$6 per car, and that in the tariffs operative subsequent to July the rate was \$15.

The companies not having been notified, the matter was presented, so far as the applicant was concerned, in an outline way. Comparison was made with the rates stated to be in force in Vancouver, it being contended that the rates in force for switching services at Prince Rupert were much in excess of those operative at Vancouver.

The matter has been before the Board for consideration and has been referred to me. The matter has been developed by correspondence and investigation.

In the answer of the Canadian National Railway Company, which was not received until January 19, 1921, the following was set out:—

"The rate of 3 cents per 100 pounds, minimum \$15 per car, is correct and is carried in Supplement No. 13 to G.T.P. Tariff No. 43-A, C.R.C. No. 346, effective May 20, 1920. Prior to that date the switching rate was 2 cents per 100 pounds, minimum \$6 per car, carried in Supplement No. 10 to G.T.P. Ry. Tariff No. 43-A, C.R.C. No. 346.

"The new rate of 3 cents, minimum \$15.00 per car, was established at the time of general revision in switching rates on Western lines and is in line with the changes assessed for similar service at other points on western railway lines. It is also felt that the new rate is reasonable, considering the nature of the service performed. I might add that the mileage rate which would originally be applied on ice in carloads for distances not exceeding 5 miles, effective as from January 1, 1921, is 5 cents per 100 pounds, subject to minimum weight of marked capacity of car, and it will be noted that the special switching rate is a substantial reduction from the regular rate.

"With respect to switching charges stated in the complaint as being applicable at Vancouver, I have checked over the Canadian Pacific switching tariff at Vancouver (CP. CRC. W-2428) and cannot find any special switching rate on ice or fish as is quoted in the complaint."



## SESSIONAL PAPER No. 20c

It was represented at the hearing that telegraphic information from Vancouver was as follows:—

“Canadian Pacific advise switching charge tariff within four mile radius one cent per hundred, with varying minimum charge according to commodity, Minimum commodity charge carload, ice, \$3; canned salmon, \$5; frozen fish, \$5, which applies from one siding to another. When switching from siding on to dock, minimum charge of 2 cents per hundred or \$10.”

An interim report of the Board's Chief Traffic Officer, dated January 21, 1921, set out the following:—

“The movement referred to in this complaint is local or intra-terminal switching, and not inter-switching; consequently the Board's General Inter-switching Order No. 252 and its 4-mile limit have no bearing.

“Prior to November 5, 1919, the rate in question was 2 cents per 100 pounds, minimum \$6 per car, applicable to ‘Carload freight handled between sidings within Yard limits.’

“On that date, at the same rate, the item was extended to cover movements between the freight sheds or wharves and the plants of the Canadian Fish and Cold Storage Co. and Prince Rupert Lumber Co.

“On the 20th May, 1920, and for the same services, the rate was increased to 3 cents per 100 pounds, minimum \$15 per car, which is the rate complained against. It is not limited to ice or fish, but applies on any carload freight.

“The same rate is charged at Prince Rupert on lumber from the Prince Rupert Spruce Mills (Seal Cove) to Prince Rupert Dry Dock and Engineering Co's. plant, also to Albert and McCaffery's lumber yard near Government Wharf.

“On the other hand, the rate is only 2 cents with a minimum of \$10 per car, on oil from the Imperial Oil Co's plant to the G.T.P. freight sheds or wharves, and on carloads of the empties in the reverse direction; also on any carload freight from the G.T.P. wharves to the Prince Rupert Dry Dock and Engineering Co's plant.

“Local switching rates depend very largely on the length of the movement. The distance involved in the movement the subject of the complaint is not stated, and I am unable to express any opinion of the others without knowing something of the character of each service.

“I am unable to verify the claim that the rates at Vancouver are much lower. A switching charge is mentioned of 2 cents per 100 pounds, minimum \$10 per car, from C.P.R. sidings to the Vancouver docks. The actual reading of the item is as follows:—

“‘Steamer freight (other than frozen meats), carloads, between Vancouver docks and C.P.R. sidings, 2 cents per 100 pounds, minimum \$10 per car. Frozen meats, carloads, 3 cents per 100 pounds, minimum \$15 per car. Both rates are exclusive of wharfage handling, and loading or unloading charges.’

“The C.P.R. tariff provides no rates specially for ice, canned salmon or frozen fish.

“It was also stated by Mr. Lee that according to the wire he had received from Vancouver, the C.P.R. switching charge within a 4-mile radius was 1 cent per 100 pounds, with varying minimum charges according to commodity. There must be something wrong here: either the interswitching rate was erroneously referred to, or the application of the item I now quote has been misunderstood. It reads as follows, and the G.T.P. has a similar rule at Prince Rupert:—



12 GEORGE V, A. 1922

“Where specific switching charges are not provided, a charge of 1 cent per 100 pounds, with minimum of \$5 per car, will be made for *reswitching* cars from one point to another within yard limits. This charge only applies on carload freight originating at, or destined to, a point outside of the station yard limits where switching is performed. It does not apply on cars loaded within yard limits destined to another point located therein, nor on cars which have been once placed and partially loaded or unloaded by different firms.’

“It will be observed that this rule applies only to cars that have been or are to be line-hauled and after having been once spotted are reswitched to another loading or unloading point; also that it is specifically stated that it does not apply to cars loaded within yard limits for movement to another point within the same limits.”

The different points involved in the switching movements concerned have been checked as to distance, with the following result:—

|   | Feet   |
|---|--------|
| From Prince Rupert Spruce Mills (Seal Cove) to Prince Rupert Dry Dock and Engineering Co. plant.. . . . . | 6,800  |
| Prince Rupert Spruce Mills to Albert and McCaffery's lumber yard.   | 9,600  |
| Prince Rupert Spruce Mills to Government wharves or freight shed..  | 12,100 |
| Government wharves or freight shed to Canadian Fish and Cold Storage Co.. . . . .                         | 11,600 |
| Government wharves or freight shed to Imperial Oil Company..  | 4,300  |
| Government wharves or freight sheds to Prince Rupert Dry Dock and Engineering Co.. . . . .                | 6,900  |

Owing to the reference made to the situation existing at Vancouver, this phase of the question was checked up. No intra-terminal switching charges are provided at Vancouver on ice and fish. The Board's Traffic Department advises that if such shipments were offered the only tariff that would be applied would be the standard mileage tariff which runs from 24 cents, first-class, to 7½ cents, tenth-class.

Complainant stated that the switching charges at Vancouver were generally less than those at Prince Rupert. A check of the published tariffs did not substantiate this contention. This being so, the matter of the service performed at Prince Rupert in connection with different movements, and the cost of same, was gone into. Detail was obtained by the Board's Operating Department in regard to the nature of the movement and the costs. These are set out in the following tabular statements:—

PRINCE RUPERT SPRUCE MILLS TO PRINCE RUPERT DRY DOCK AND ENGINEERING CO.—6,800 FEET

|  | Wages   | Fuel and Supplies | Total   |
|--|---------|-------------------|---------|
| Empty car from freight yard to sawmill.....12,135 ft.—55 mins    | \$3 96  | \$5 10            | \$9 06  |
| Engine from sawmill to yard and back again..24,270 ft.—40 mins   | 2 88    | 3 70              | 6 58    |
| Loaded car from sawmill to yard for weighing..12,135 ft.—40 mins | 2 88    | 3 70              | 6 58    |
| From yard to dry dock.....5,625 ft.—20 mins                      | 1 44    | 1 85              | 3 29    |
| Engine back to yard.....5,625 ft.—10 mins                        | 0 72    | 0 93              | 1 65    |
|  | \$11 88 | \$15 28           | \$27 16 |

Switching charge 3 cents per 100 lbs., minimum \$15 per car.



## SESSIONAL PAPER No. 20c

## PRINCE RUPERT SPRUCE MILLS TO ALBERT AND McCaffery's LUMBER YARD.—9,600 FEET

|   | Wages   | Fuel and Supplies | Total   |
|---|---------|-------------------|---------|
| Empty car from freight yard to sawmill.....12,135 ft.—55 mins       | 3 96    | 5 10              | 9 06    |
| Engine, sawmill to yard and back to sawmill...24,270 ft.—40 mins..  | 2 88    | 3 70              | 6 58    |
| Loaded car, Sawmill to yard for weighing....12,135 ft.—40 mins      | 2 88    | 3 70              | 6 58    |
| From yard to Albert & McCaffery's Lumber yard.....2,365 ft.—15 mins | 1 08    | 1 39              | 2 47    |
| Engine back to yard.....2,365 ft.— 5 mins                           | 0 36    | 0 46              | 0 82    |
|   | \$11 16 | \$14 35           | \$25 51 |

Switching charge 3 cents per 100 lbs., minimum \$15 per car.

## PRINCE RUPERT SPRUCE MILLS TO GOVERNMENT WHARVES OR FREIGHT SHED.—12,100 FEET

|   | Wages   | Fuel and Supplies | Total   |
|---|---------|-------------------|---------|
| Empty car from freight yard to sawmill.....12,135 ft.—55 mins       | \$3 96  | \$ 5 10           | \$9 06  |
| Engine from sawmill to yard and back again...24,270 ft.—40 mins     | 2 88    | 3 70              | 6 58    |
| Loaded car sawmill to yard for weighing.....12,135 ft.—40 mins      | 2 88    | 3 70              | 6 58    |
| From yard to Government wharf or freight shed.....1,990 ft.—15 mins | 1 08    | 1 39              | 2 47    |
| Engine back to yard.....1,990 ft.— 5 mins                           | 0 36    | 0 46              | 0 82    |
|   | \$11 16 | \$14 35           | \$25 51 |

Switching charge of 3 cents per 100 lbs., minimum \$15 per car.

## GOVERNMENT WHARVES OR FREIGHT SHED TO IMPERIAL OIL CO.—4,300 FEET

|   | Wages  | Fuel and Supplies | Total   |
|---|--------|-------------------|---------|
| Engine, or empty car, yard to wharves or freight shed.....3,250 ft.—15 mins.. | \$1 08 | \$1 39            | \$2 47  |
| Engine, wharves to yard and back to wharves..6,500 ft.—20 mins                | 1 44   | 1 85              | 3 29    |
| Loaded car, wharves or freight shed to Imperial Oil Co.....5,180 ft.—25 mins  | 1 80   | 2 31              | 4 11    |
| Engine from Imperial Oil Co. to Yard.....5,180 ft.— 5 mins                    | 0 36   | 0 46              | 0 82    |
|   | \$4 68 | \$6 01            | \$10 69 |

Switching charge of 2 cents per 100 lbs., minimum \$10 per car.

## GOVERNMENT WHARVES OR FREIGHT SHED TO CANADIAN FISH AND COLD STORAGE CO.—11,600 FEET

|   | Wages  | Fuel and Supplies | Total   |
|---|--------|-------------------|---------|
| Empty car from yard to wharves or freight shed.....3,250 ft.—15 mins          | \$1 08 | \$1 39            | \$2 47  |
| Engine from wharves to yard and back again.6,500 ft.—10 mins                  | 0 72   | 0 93              | 1 65    |
| Loaded car, wharves or freight shed to cold storage.....12,555 ft.—60 mins... | 4 32   | 5 56              | 9 88    |
| Engine back to yard.....12,555 ft.—20 mins                                    | 1 44   | 1 85              | 3 29    |
|   | \$7 56 | \$9 73            | \$17 29 |

Switching charge 3 cents per 100 lbs., minimum \$15 per car.



GOVERNMENT WHARVES OR FREIGHT SHEDS TO PRINCE RUPERT DRY DOCK AND ENGINEERING CO.—  
6,900 FEET

|  | Wages  | Fuel and<br>Supplies | Total   |
|--|--------|----------------------|---------|
| Empty car, yard to wharves or freight shed.... 3,250 ft.—15 mins | \$1 08 | \$1 39               | \$2 47  |
| Engine, wharves to yard and back again..... 6,500 ft.—10 mins    | 0 72   | 0 93                 | 1 65    |
| From wharves to yard for weighing..... 3,250 ft.—15 mins         | 1 08   | 1 39                 | 2 47    |
| From yard to dry dock..... 5,625 ft.—20 mins                     | 1 44   | 1 85                 | 3 29    |
| Engine back to yard..... 5,625 ft.—10 mins                       | 0 72   | 0 93                 | 1 65    |
|  | \$5 04 | \$5 49               | \$11 53 |

Switching charge 2 cents per 100 lbs., minimum \$10 per car.

The wages and charges for fuel and lubricants have been checked up and found to be correct. They are as follows:—

|  |          |
|--|----------|
| <i>Wages—Eight Hours</i>                             |          |
| Dispatching and repairs.. . . . .                    | \$ 2 00  |
| Engineer.. . . . .                                   | 7 04     |
| Fireman.. . . . .                                    | 5 60     |
| Yard foreman.. . . . .                               | 6 96     |
| Switchmen (2).. . . . .                              | 12 96    |
| Yard clerk or weighmaster at \$130 per month—\$4.33. |          |
| Yardmaster at \$235 per month—\$7.83.                |          |
|  | \$34 56  |
| <i>Fuel Oil, etc.—Eight Hours—</i>                   |          |
| Fuel oil.. . . . .                                   | \$42 25  |
| Lubricants, waste, etc.. . . . .                     | 2 22½    |
|  | \$44 47½ |

“You will note I have shown the rate of salary for the party who acts as yard clerk or weighmaster, also rate of the yardmaster, but I have not included these in the total expense for the day, as it is an open question just how much of their salary should be chargeable to revenue switching in question.”

The Board's Operating Department has satisfied itself that the staff included in the movements in question is a necessary one for the operation of the yard.

Further information was obtained in regard to the average number of cars handled per trip. This is as follows:—

|  |     |
|--|-----|
| Prince Rupert Spruce Mills to Prince Rupert Dry Dock and Engineering Company.. . . . .         | (1) |
| Prince Rupert Spruce Mills to Albert and McCaffery's lumber yard.. . .                         | (1) |
| Prince Rupert Spruce Mills to Government wharves or freight shed.. . .                         | (1) |
| Government wharves or freight shed to Imperial Oil Company.. . . .                             | (1) |
| Government wharves or freight shed to Canadian Fish and Cold Storage Company.. . . . .         | (3) |
| Government wharves or freight shed to Prince Rupert Dry Dock and Engineering Company.. . . . . | (3) |

The Board's Chief Operating Officer has satisfied himself as to the accuracy of the time taken and the costs attaching thereto. It is to be noted that on four of the movements, the average number of cars handled per trip is one in each case. On the movement from Prince Rupert Spruce Mills to Prince Rupert Dry Dock and Engineering Company, where there is an average one car movement, with a minimum of \$15 per car, the total cost shown is \$27.16. From the Prince Rupert Spruce Mills to Albert & McCaffrey's lumber yard, there is an average one-car movement, with minimum of \$15 per car, and the total cost shown is \$25.51. From the Prince Rupert Spruce Mills to the Government wharves or freight shed, there is an average one-car movement, with a minimum of \$15 per car, and costs shown at \$25.51. From the Government wharves or freight shed to the Imperial Oil Company, there is an average one-car movement, with a minimum of \$10 per car, and costs of \$10.69. In



## SESSIONAL PAPER No. 20c

two other cases, the average number of cars handled per trip is higher. From the Government wharves or freight shed to the Canadian Fish and Cold Storage Company, where an average of three cars are handled, there is a minimum of \$15 per car and costs are \$17.29. In the case of the Government wharves or freight shed to Prince Rupert Dry Dock and Engineering Company, where on the average three cars are handled, the minimum is \$10 per car, and the cost is \$11.53.

The burden of the local switching rates in question must be looked at from an average standpoint. Taking the four cases above referred to, where on the average one car is moved by one set of switching movements, the minimum charge for the four cars is \$55, while cost figures as given amount to \$88.87. On the two movements, on each of which three cars are handled, the minimum charges are \$75, while the cost figures amount to \$28.82. That is to say, on the six movements in question, with minimum earnings at \$130, there are costs of \$117.69; that is to say, the actual out-of-pocket costs on the movements in question represent 90 per cent of the minimum earnings. This is exclusive of any contribution whatever to overhead costs.

On the material before the Board, it does not appear that from a cost standpoint the Board would be justified in giving direction for a reduction in the charges in question.

DOMINION MILLERS' ASSOCIATION, WESTERN CANADA FLOUR MILLS, MONTREAL AND  
WINNIPEG BOARDS OF TRADE ET AL

*Re*

STOP-OFF CHARGES ON GRAIN

*Judgment, Chief Commissioner Carvell, December 17, 1921, concurred in by the  
Deputy Chief Commissioner and Commissioner Rutherford.*

As these three cases all have been heard by the Board at various times and are standing for judgment and are so closely interrelated, I propose to treat them in one judgment.

An examination of the history of the milling in transit privilege would rather show that it was inaugurated primarily for the purpose of encouraging the milling of grain in Western Canada, the object being the establishment of industries and the production of by-products in the West which are so necessary for the raising of livestock; and for many years the rate charged by the Canadian Pacific Railway Company for the milling-in-transit privilege was 1 cent per 100 pounds west of Fort William and 2 cents per 100 pounds east thereof on grain for domestic consumption.

In the month of February, 1917, application was made by the Dominion Millers' Association and others asking that the rate in Eastern Canada on grain milled for domestic use be reduced to 1 cent per 100 pounds, the same as that charged in Western Canada, my understanding being that the rate for export was 1 cent per 100 pounds, both in the east and in the west. After very lengthy hearings and argument, the Board delivered judgment on the 3rd day of October, 1917, directing the Canadian Pacific Railway Company to reduce the rate in the East to 1 cent per 100 pounds, as there was discrimination under the then existing conditions, holding that, as the Grand Trunk had no railway in the west (the Grand Trunk Pacific being in law a separate entity), the charge of 2 cents by that company was not discriminatory and no order was made with respect to that railway.

On the 10th day of June, 1918, the Dominion Millers' Association applied to this Board for an order directing the Grand Trunk Railway Company to discontinue the stop-over charge of 2 cents per 100 pounds on grain products for milling in transit for domestic use.

In the month of September, 1918, the Canadian Pacific, Grand Trunk, Canadian Northern, and Grand Trunk Pacific Railway Companies filed tariffs becoming



12 GEORGE V, A. 1922

effective November 1, 1918, increasing the stop-off charge from 1 to 2 cents per 100 pounds. Protests were immediately made by the Quaker Oats Company, the Dominion Millers' Association, and the Shippers, Bureau of the Winnipeg Board of Trade against this application, asking that it be suspended pending a hearing, which was done by Order of the Board No. 27781, dated October 28, 1918. The matter came on for hearing first in Toronto in the month of October, 1918, and later on at Ottawa and practically all important points west as far as Vancouver, the principal stand against any increase in rate being made at Winnipeg in the month of March, 1919.

While this case was pending, on the 20th day of September, 1919, Mr. C. B. Watts, on behalf of the Dominion Millers' Association, applied to this Board asking that the railway companies be ordered to grant the same milling-in-transit privilege to grain grown in Ontario and Quebec as that granted to Western grain, and the three cases have been heard practically concurrently down to the present time.

I entirely concur in the principles enunciated by this Board in its judgment of October 3, 1917, hereinbefore referred to, viz., that, as the Grand Trunk Railway Company did not operate in Western Canada, the charge of 2 cents made by it in the east was not discriminatory, and I also agree with the Board that, because one railway may charge a different rate from a competitor, it is no evidence of discrimination.

As before stated, the milling-in-transit privilege was inaugurated for the purpose of encouraging the milling industry in Western Canada, and, without a doubt, it has served its purpose, because large mills are now in operation in most cities from Kenora to Calgary, a great business is being carried on, and the by-products in the shape of shorts and bran are available for the feed of stock, which is becoming more and more important to Western Canada. As the principal mills are on the line of the Canadian Pacific Railway Company and the rate, by the judgment above referred to, was made the same both east and west, so long as the rate is the same, no matter what it may be, no injury can befall the western mills which would not be equally applicable to the east and no lesser amount of by-products would be available in Western than in Eastern Canada.

Mr. Watts in his application for the milling-in-transit privilege being granted to Ontario and Quebec grain stated that the Grand Trunk Railway Company grants to mills in Michigan the right to mill grain produced in Michigan and other parts of the United States at a rate of one-half cent per 100 pounds and, as far as I can read the case, this statement has not been contradicted. It was alleged by the Dominion Millers' Association, and the tariff citations given in proof support the allegation that all grain coming from Detroit ex rail and ex lake is granted the milling-in-transit privilege in Ontario by both the Canadian Pacific and Grand Trunk Railway Companies, and this applies to American grown as well as Canadian-grown grain, the stop-over charge on grain from Detroit to Montreal being 1½ cents per 100 pounds, while the stop-off on grain from Goderich and Port McNicoll is 1 cent.

I am at a loss to understand why the milling-in-transit privilege should be granted to Western Canadian grain and American grain for grinding at the mills in Ontario and Quebec while the same right is denied to the grain of these two provinces, and, in my opinion, the same treatment that is handed out to grain produced in one part of Canada, not to say anything about United States grain, must be granted to grain produced in all other parts of Canada, and, therefore, I find that all grain produced in Canada should be allowed the same stop-over privileges for milling purposes, no matter in what part of Canada the milling operation takes place. This, of course, has nothing whatever to do with the out-of-line haul. In such cases, reasonable rates off the through line should be granted the transportation companies.

As I view the question, the stop-over privilege for milling, elevator, cleansing, or hospital purposes is a service incidental to transportation, customary and usual in connection with the business of the railway companies in Canada, and has nothing whatever to do with the ordinary transportation charges, and it should make no



## SESSIONAL PAPER No. 20c

difference whether the main line haul were 100, or 1,000, or 3,000 miles. This service should be paid for entirely independent of the line haul, and, therefore, the charge for this service, unless conditions are very dissimilar, should be the same on every railway in Canada. For this reason, I think that the charge for milling-in-transit or other such services on the Grand Trunk Railway should be the same as that made by the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific Railway Companies, or *any other railroad* in Canada under the jurisdiction of this Board.

This naturally brings us to the question of what is a reasonable rate for the services to be performed by the railway company, always considering that the railway company receives the legal rate for transporting the grain from the starting point to destination, and that the stop-over privilege simply means that, if the same amount in weight is returned to the company for transportation to destination within six months, the completion of the contract of carriage will be made by the railway company at the legal through rate, whatever it may happen to be.

It would probably be impossible to find exactly the same set of circumstances at any two given points or perhaps to put it more mildly, the cost of this service at many points in Canada would be greater or less than at many other points, and all the Board can do is to arrive at a fair average value for the services performed.

This case was exhaustively heard at Winnipeg in the month of March, 1919, and argued and some additional evidence given before this Board at Ottawa in May, 1920. At the sittings in Winnipeg, evidence was furnished by both the Canadian National and the Canadian Pacific Railways as to the cost of a switching movement such as would be required with the stop-over privilege in the Winnipeg yard, and, from this evidence, it seemed pretty hard to arrive at any exact data as to how much shunting is ordinarily required for stopping off a car of grain for grinding purposes and forwarding the product thereof at a later date.

According to the evidence, in some cases, the railway company was called upon to perform two movements; i.e., the spotting of a car of grain on one side of the mill and lifting it from the other side, the car having been switched around by the milling company itself. No doubt, in many cases, a car would be placed on one side of the mill and another one lifted from the other side, involving practically one movement, and, in many other cases, the loaded car would be spotted and the empty removed after it had been unloaded and, when the flour was ready for shipment, an empty car would be spotted and the full car lifted, thus making four movements. It seemed to me to be almost impossible to arrive at any absolute conclusion as to what would be the actual cost of these switching movements.

As I read the evidence, it has never been the contention of the railway companies that the switching movement was intended to produce profit. In fact, as far back as 1916, Mr. Beatty contended that the 1 cent rate did not pay the actual cost of operation to the company but that the rate was granted to the West for the purpose of encouraging the milling industry.

Then, again, the figures furnished by the two railway companies two years ago, while fairly indicative of the cost to-day, would probably not be as accurate a year from to-day, because operating costs of all railways have to some extent been reduced during the past six months and there is no reason to believe there will not be further reductions within the next six months or a year.

I have, therefore, come to the conclusion that, as the Canadian Pacific Railway Company has always granted the stop-over privilege and performed the necessary switching for 1 cent per 100 pounds, there is no reason why a change should be made under present conditions, and, as I have already found that the rate should be the same all over Canada, this would involve a reduction of the Grand Trunk rates from 2 cents to 1 cent per 100 pounds.

I, therefore, think an order should issue that all railway companies in Canada under the jurisdiction of the Board should be allowed to charge 1 cent per 100 pounds, for the stop-over privilege for milling purposes, no matter in what part



12 GEORGE V, A. 1922

of Canada the operation may be carried on, and the privilege should be granted to all grains produced in Canada when milled at any point in Canada, at the same rate per 100 pounds, and the several railway companies under the jurisdiction of this Board should be directed to file tariffs accordingly.

*Judgment, Assistant Chief Commissioner McLean, December 30, 1921.*

I agree that the proposal to increase the milling-in-transit rate from 1 cent to 2 cents should be dismissed.

In regard to the application to have the Grand Trunk discontinue the stop-over charge of 2 cents per 100 pounds on grain products shipped milling-in-transit for domestic consumption, my position is already expressed in *Dominion Millers' Association vs. Canadian Freight Association*, 22 Can. Ry. Cas., 125, at p. 134.

The further application involved is one asking that the Board direct the railways to grant the right to Ontario and Quebec mills to mill in transit grain grown in Ontario and Quebec. Ontario grain for milling and reshipment is subject to two separate contracts; one for the carriage of grain on a special basis of local rates to the mill; the other for the carriage of the product from the mill under the ordinary tariff.

In the presentation of this application, it was admitted by the applicant that there was no effective competition between the flour milled from Ontario wheat and the flour milled from Northwest wheat. Montreal was referred to by the applicant as being the main market for Ontario wheat, and it was admitted that there was no effective competition there; and that the use of the two types of flour were different and not competitive.

The application as launched, turning, as I understand it, on unjust discrimination, I am not satisfied that a *prima facie* case of discrimination was established.

Reference was made in correspondence from the applicant, subsequent to the hearing, to milling-in-transit at Canadian points on American grain while milling-in-transit was not granted to Ontario wheat.

There is in force a Canadian Pacific tariff on grain from Detroit, ex-lake and ex-rail, with milling-in-transit arrangements and charges in Canada, and shipped to Canadian destinations. The basic charge is 1½ cent. The tariff does not limit this to American grain.

Whether or not the existence of this arrangement applicable to grain from Detroit, ex-lake and ex-rail, while there is not a milling-in-transit arrangement on Ontario grain, is unjustly discriminatory or unduly preferential is a matter into which, in my opinion, it is not necessary to go in advance of a *prima facie* case of discrimination being made out.

#### COMPLAINT RURAL MUNICIPALITY OF NELSON, B.C., AGAINST INCREASE IN TOLLS OF BRITISH COLUMBIA TELEPHONE COMPANY

*Judgment, Assistant Chief Commissioner McLean, December 23, 1921, concurred in by Commissioner Rutherford.*

Complaint was made at the sittings in Nelson, B.C., regarding the party line rates of the British Columbia Telephone Company on the west side of Kootenay lake.

In the quotation of rates by the British Columbia Telephone Company in their bills, the exchange rates are quoted as gross rates, which are subject to a discount of \$1 if paid by the eighteenth of the specified month.

Applicant, in presenting his case, made the following statement:—

“Mr. BOURKE: The increase to which the telephone subscribers object to is referred to in a letter received from the manager of the Telephone Company, dated August 25, 1921:—



SESSIONAL PAPER No. 20c

‘DEAR SIR.—In respect to communication from Superintendent Hoover, to the effect that rates on all telephones across the lake are to be adjusted to conform to standard rates throughout the province; the rate is \$3.50 gross for residence service, if the station is situated within one mile of the cable on the west side of the lake, with a mileage rate of 25 cents for each one-half mile over that distance. In this case your rate will be changed from \$4 gross to \$8 gross, commencing September 1, 1921’.

“For a number of years, the subscribers on the west arm of Kootenay lake have been charged a flat rate of \$4 a month. That \$4 a month is made up of \$2.50, 50 cents for mileage over five miles, authorized by the Board, plus \$1.50 for that class of service within the city limits of Nelson.

“I contend that by charging the mileage beyond five miles, it is making a charge that is not authorized by the Board. That is increasing our rates. We are six subscribers on one party line. I should also state that it has not been proven that the rural subscribers are situated beyond the stated radius. I can produce the evidence if required”.

It is contended, in substance, that beyond a five-mile radius from a point where the cable pole on the west shore is situated there is a flat rate provided for. It is set out that the basis of this is to be found in an agreement which was operative in practice.

Turning to the tariffs of the company dealing with the service adjacent to Nelson, the first tariff of the British Columbia Telephone Company covering this matter as filed with the Board is, C.R.C. No. 2, effective January 1, 1920. This quoted, in respect of certain specified points (Nelson being included), a residence rate of \$1.50 per month for party line beyond one mile and within a three mile radius of the central office. It was further provided that a charge of 25 cents a subscriber was to be charged on individual and two-party lines for each one-quarter mile or fraction thereof beyond the stated radius, and 25 cents for each one-half mile or fraction thereof beyond the stated radius on other party lines. Included in the service herein involved and including the submarine cable mileage is a distance of four miles from the Nelson Exchange to the cable pole. The tariff in question, in dealing with mileage charges in submarine cables, reads—

“When figuring mileage charges in submarine cables, each 175 feet or fraction thereof shall be considered as equivalent to one-quarter of a mile of overhead wire on individual lines, and 275 feet or fraction thereof as equivalent to one-quarter mile of overhead wire on party lines”.

In the application launched by the British Columbia Telephone Company for increase in exchange rentals and charges for service, the following, which is of general applicability, is set out in respect to mileage charges:—

“No mileage is chargeable within the limits of any city. Subscribers situated outside city limits to be charged mileage beyond the stated radius allocated to the class of service desired, at the rate of 25 cents per month per subscriber on individual and two-party lines for each quarter mile or fraction thereof beyond the stated radius, and 25 cents for each half mile or fraction thereof beyond the stated radius on other party lines up to five miles; over this, special arrangement.

“Mileage charges for private Branch Exchange trunks are the same as those for individual business lines.

“When figuring mileage charges in submarine cables, each 175 feet or fraction thereof shall be considered as equivalent to one-quarter of a mile overhead wire on individual lines, and 275 feet or fraction thereof as equivalent to one-quarter of a mile of overhead wire on party lines”.



12 GEORGE V, A. 1922

The company's tariff C.R.C. No. 5, effective September 1, 1921, which was filed after the judgment in the above application, sets out provisions as to Mileage Charges which are identical with those above quoted.

At the hearing, reference was made to an agreement which it was stated had been entered into quite a long time ago—the date was not definitely given. Mr. Campbell, who gave evidence stated he was one of the original owners of a privately owned telephone line which certain individuals interested had intended to construct. It was represented that after negotiations had taken place, Mr. Campbell and those associated with him abandoned construction of the privately-owned line, and he said his recollection was that the British Columbia Telephone Company was to charge a flat rate per member, and that those subscribers who were at some distance were to come under the arrangement in order to make such an arrangement possible.

Mr. Starkey, for the Associated Boards of Trade, stated at the hearing that he knew about the original agreement, and thought it had been agreed that if the parties interested could get thirty subscribers the company would charge a \$4 rate and construct a new line. He stated further, that some thirty signatures had been obtained; but the company was so long about installing the service that some of those who had signed dropped out. He stated that the required number of subscribers had signed the agreement, and it was duly witnessed.

The Telephone Company, in a communication on file from Mr. E. F. Helliwell, General Commercial Superintendent, makes the following statement:—

"I have discussed this matter with Mr. Halse, who recollects the circumstances very clearly. At the time Mr. Campbell, together with Mr. Rusk and some others, abandoned their old line, which was worn out at the time, there were negotiations between them and this company, when it was suggested that if a certain number, about forty subscribers, which it was stated could be had, were secured on the west side, a flat rate would be given them. These conditions were not, however, fulfilled by the residents on the west shore, because nothing like this number of subscribers could be signed up, and at a later date we ran our Lines, without any agreement or arrangement and supplied service to some ten or twelve parties who did desire the same".

A search of the records of the Nelson Board of Trade has been made by its secretary; but in a letter addressed to Mr. Starkey, which has been forwarded by the latter to this Board, he states that he has examined the minute books as far back as 1907 and that he has not been able to locate correspondence between the company and the Nelson Board of Trade in the matter, nor has he been able to locate the written agreement. He quotes from the minutes of a meeting of the Nelson Board of Trade held November 14, 1907, which sets out the following:—

"Mr. Busk, as chairman of the Telephone Committee, reported the result of a consultation with the Secretary of the B.C. Telephone Co., Mr. Halse; the secretary made two proposals:—

"(1) that he would recommend the construction of a metallic circuit line to Proctor on a guarantee of 35 subscribers at \$4 a month each, six months to be subscribed in advance; (2) that an independent company be formed to build and keep the line in repair, the B. C. Company engaging to operate it and rent instruments at 50 cents per month."

The secretary states that the rate of \$4, which it is claimed was agreed upon, had remained in force for many years.

While the letter of August 25, 1921, quoted in Mr. Bourke's evidence refers to a \$4 gross rate being changed to an \$8 gross rate, there is before the Board a copy of Mr. Bourke's bill as rendered September 1, 1921. On this is entered the item "Exchange service for current month, \$5." This is corrected to \$8 and a total shown,



## SESSIONAL PAPER No. 20c

including \$1.20 for long distance, of \$9.20. It is indicated on the bill that if paid by the 18th of September, there will be a reduction of \$1. This would show, then, a net rate of \$4 for exchange service as billed of September 1, 1921.

The substance of what is submitted has been set out. As to the matter of the contractual basis of a rate, the obligation is to maintain a reasonable rate, and the Board is not precluded by the terms of any agreement, if proven, whether formal or informal, from seeing to this.

*Lake Superior Paper Co. vs. Algoma Central and Hudson Bay Ry. Co., 22 C.R.C., 361, at p. 367.*

*See also Crows Nest Pass Coal Co., vs. C.P.R. Co., 8 C.R.C., 33, at pp. 40, 41.*

The question is, what is contained in the tariffs. There is no conclusive evidence as to the existence of an agreement; and, further, even if there had been an agreed-on rate, this is not shown in tariff C.R.C. No. 2, nor is it shown in tariff C.R.C. No. 5. Under the Railway Act, to which the British Columbia Telephone Company, in common with other telephone companies chartered by the Dominion, is subject, the rates charged for service have to be quoted in tariffs.

Under section 375, subsection 3, a telephone company is required to file with the Board tariffs of telephone tolls to be charged; and it is provided by subsection 4, that such telephone tolls may be dealt with by the Board in the same manner as is provided in the Railway Act with respect to standard freight tariffs, and that all the provisions of the Act, except as to publication under section 342 applicable to companies thereunder with respect to standard freight tariffs and tolls, shall in so far as they are applicable and not inconsistent with the provisions of section 375, apply to the company in respect of telephone tariffs and tolls.

Under section 330, subsection 3, dealing with standard tariffs, which section is applicable, as pointed out, to telephone tariffs, it is provided that the tolls, as specified in the standard freight tariff or tariffs, as the case may be, shall, except in the case of special freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods. Subsection 4 of the same section provided that until the provisions of the section have been complied with, no toll shall be charged by the company. See in this connection, *Baker, Reynolds Co., vs. C.P.R., 10 C.R.C., 151, at p. 153.*

Under section 343, which is applicable to telephone companies, it is provided that the company file with the Board a tariff, and such tariffs coming into force the tolls set out therein are presumed to be legal against the company.

The general scheme of the Railway Act is that the rates are to be set out in tariffs, and that the rates are not a matter of bargaining to be dealt with in individual contracts. The rate, or its components, has to be so set out in the tariff that the individual desiring service may know exactly what may be legally charged to him.

The Board has no record as to the contents of the tariff of the Telephone Company prior to its coming under the jurisdiction of the Board. As already pointed out, the first tariff filed by the company does not contain a provision as to the flat rate for the service in question. It sets out provisions as to extra mileage being computed where there is a cable mileage, and also provides for an excess mileage charge of 25 cents per half mile.

Cable mileage is to be computed from the area subject to the base rate, and no limitation is set out in the tariff as to the area within which the rate so built up on the base rate and excess mileage charge is to be applicable.

The tariff filed effective September 1, 1921, repeats the provisions as to cable mileage and as to the rates on excess mileage, but has a provision that the excess mileage charge is to apply for each one-half mile or fraction thereof beyond the stated radius on other party lines up to five miles, and that over this there will be special arrangements as to rates. It will be noted that there is a difference here from what is set out in the first tariff filed.



In *Canadian Condensing Co. vs. C.P.R. Co.*, 12 *Can. Ry. Cas.*, 1 it was pointed out at p. 3 that the law permits no departure from the published tariff. It is established that in construing a tariff the intention is to be derived from the exact words used, and not from an intention which it is alleged the tariff had in mind although the words used do not clearly convey this.

A tariff is to be strictly construed against the company. It follows that the Board in thus construing a tariff to ascertain what rate applies under the tariff to a particular service must look to what is contained in the tariff, and not to any alleged intention which the words of the tariff might not justify.

The essence of the complaint is that a flat rate of \$4 net was provided in respect of certain party line services on the west shore of Kootenay lake. This may have been the practice, and record in this regard would appear to indicate that in some instances at least only the \$4 net rate had been quoted. This rate is not the rate set out in any tariff before the Board. What the Board is here concerned with is not the reasonableness of the rate, but the question as to what the tariff provides.

As already pointed out, tariff C.R.C. No. 5 provides that in the case of mileage charges over 5 miles the rates are to be based on special arrangements. As I read the Railway Act, this does not comply with the provisions of that Act in respect to tariffs. Special arrangements might seem to suggest special contract; but apparently that was not what was involved in the complaint, for the complaint of Mr. Bourke shows that the increased rate was imposed upon him without any special contract being entered into.

The rates charged as and from September 1, 1921, cover a distance of 13 miles from the cable pole on the west shore. The initial rate at the cable pole is \$2; and from there on there is added a rate of 25 cents per half mile for mileage, giving a total net rate of 13 miles of \$8.50. These are not rates for residence service. The rate of \$4 net is to be found at a distance of 4 miles from the cable pole. The net rate up to 5 miles is \$4.50.

The company provided in special tariff that the rates beyond the 5-mile distance were to be determined by special arrangement. What this special arrangement is is not set out in the tariff, but it appears, in fact, that they have charged the same rate per half-mile above the 5-mile distance as below it.

In view of what has been set out, I can find no tariff sanction in C.R.C. No. 5 for the rates beyond the 5-mile distance as above set out.

The Board has in C.R.C. No. 2 accepted a tariff including, *inter alia*, a provision for excess mileage charges. This tariff is legally operative. If the principle of excess mileage is adopted, it follows that the charges in this respect must vary with the distance.

Since the hearing at Nelson, the company has made further investigation of the situation, and a revised scheme of rates, effective January 1, 1922, covering special arrangement of exchange rentals and mileages for the west side of Kootenay lake connecting with Nelson Exchange has been submitted. This covers rates for the distance of 13 miles from the cable pole. It is represented that the matter has been gone into fully with the mayor of Nelson. What is proposed under this scheme is that the rate at the cable pole remaining at \$2, the following rearrangements shall be made: There is to be a charge of 25 cents for each half mile up to the 2 miles from the cable pole, and beyond 2 miles and up to 13 miles a charge of 25 cents per mile. This leaves the net rates up to 2 miles from the cable pole, or 6 miles from Nelson, at \$3. The following variations then take place: The 3rd mile, \$3.25 instead of \$3.50; the fourth mile, \$3.50 instead of \$4; the fifth mile, \$3.75 instead of \$4.50; the sixth mile, \$4 instead of \$5, and grading from this to \$5.75 at the 13th mile instead of \$8.50 on the scale already referred to. The rates are net rates for residence service. The grading as to mileage is a concession from the general principle laid down in C.R.C. No. 2 and is in ease of the situation. It appears to be acceptable.



SESSIONAL PAPER No. 20c

*Re* RECOVERY OF TRIPLE DAMAGES FROM CANADIAN PACIFIC RAILWAY FOR EXCESS CHARGES  
ON CERTAIN LIVE STOCK SHIPMENTS TO UNITED STATES POINTS

*Judgment, Assistant Chief Commissioner McLean, December 24, 1921, concurred in  
by Commissioner Rutherford.*

Two applications are involved. The application of the Frank Hill Cattle Company, Limited, of Calgary, sets out that in respect of various shipments of live stock made during the period from September to December, 1920, from Calgary to the cities of Chicago and St. Paul, the total charges as collected for freight, feed and services amounted to \$6,079.60; and it is claimed that the overcharges thereon amounted to \$804.10, which represents an overcharge, as claimed, of approximately **13 per cent.**

In the case of J. M. Dillon, of Cayley, Alta., the shipments of live stock involved were made during the month of November, 1920, from Cayley, Alta., to Chicago. It is set out that the amount collected for freight, feed and services thereon amounted to \$5,359.24; and that the overcharge on same amounted to \$663.30, which represents **approximately an overcharge, as claimed, of 12.3 per cent.**

The applications as launched deal with matters arising out of the adverse exchange situation. The practice of goods going forward collect, with charges payable at destination in American funds, is not contested; but it is alleged that the Canadian carrier participating in the international haul received his share of the amount so collected in American funds, and that to the extent he was paid in American funds the excess over what his division of the rate in Canadian currency would represent means an excess payment to which he is not entitled.

The transactions herein involved took place before the issuance of the Board's General Order No. 326.

The submission of applicants was that the contracts under which the shipments were made were Canadian contracts entered into between the Canadian shipper and the Canadian railway under tariffs fixed by the Canadian Board of Railway Commissioners, and that the rate was payable in Canadian currency whereas the charges were actually collected in American currency. In other words, an overcharge was made. In the submission, the tariff was spoken of as having been fixed by the Board of Railway Commissioners. In another connection, applicants' solicitor spoke of the tariff having been approved by the Board, and referred in this connection to section 330. Section 330 deals with standard tariffs which are required to be formally approved by the Board, and not with joint tariffs from a point in Canada to a foreign country, as dealt with in section 338. Here, the several companies are required to file with the Board a joint tariff for such continuous route.

Section 389, under which the applications are launched, deals with certain consequences of infractions of the provisions of the Railway Act, or of orders of the Board dealing with tolls. It is not alleged that there is an infraction of any order, direction, decision or regulation of the Board in respect of tolls. The complaint, therefore, to fall within the section must be concerned with an infraction by the company, or any officer, servant or agent of the company, of any provision of the Railway Act in respect of tolls. The section goes on to recite that where there is such infraction of any provision of the Railway Act the company shall be liable at the suit of any person injured by reason of any such infraction to three times the amount of the actual damage that such person may prove to have so sustained. It is further provided that action is not to be commenced for any such triple damages before the leave of the Board has first been obtained. What is pertinent, then, is what section of the Act has been infringed?

What is involved, as I understand the situation, is an abnormal condition arising out of depreciation in Canadian currency. The Board is given very wide powers in regard to matters of railway regulation. At the same time, it must always be borne



in mind that its powers being statutory it must find the scope of these powers being within the four corners of the Railway Act. The Board is a statutory tribunal and its powers are tied down to the scope of matters falling within the Railway Act. It is not the function of the Board to supplant or supplement the provincial courts in the exercise of their ordinary jurisdiction. The matter was most pertinently set out by the late Chief Commissioner Killam in *Duthie vs. G.T.R. Co.*, 4 *Can. Ry. Cas.*, 304, at p. 311, when he said:—

“Occasionally one hears or reads references which suggest that misconceptions prevail in this connection. Applications or complaints are made to us which are apparently based upon a hazy notion that the Board was created for the purpose of adjudicating upon any claim against or dispute with a railway company. For two reasons we are not to begin with the assumption that such was the purpose for which the Board was established: (1) The Board is purely a creature of statute. The general principle applicable to such a body is that its jurisdiction is only such as the statute gives by its express terms or by necessary implication therefrom. (2) Our constitution assigns to the Provincial Legislatures the subjects of “property and civil rights in the province” and “the administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including the procedure in civil matters in those courts.” (See B.N.A. Act 1867, sec. 92, subsecs. 13, 14.). Corporations created by the Parliament of Canada are ordinarily subject to the Provincial laws relating to property and civil rights, and *prima facie*, civil claims against them should be prosecuted in the provincial courts. The Parliament of Canada is empowered to provide “for the establishment of any additional courts for the better administration of the laws of Canada” (See B.N.A. Act, 1867, sec. 101), and in the exercise of its powers to legislate on certain subjects, Parliament may incidentally encroach upon the field of Provincial legislation. Such encroachments, however, are not to be presumed, but must be clearly indicated and be limited to the extent reasonably necessary for giving effect to the enactments of Parliament upon subjects within its powers.”

It seems to me that the comment of Bramwell, L.J., in passing upon the scope of the functions of the English Railway and Canal Commission, is also pertinent: “... I must say that I think one ought not to suppose that the legislature intended to give to the commissioners a jurisdiction in matters which could be quite as well exercised by the ordinary courts of justice.” *Great Western Ry. Co. vs. the Railway Commissioners and James Brown*, 7, *Q.B.D.*, 182-193.

The applicants' solicitor, although questioned at the hearing, did not refer the Board to any specific provision of the Railway Act which it was alleged covered the matter in question and which, it was alleged, was infringed. I have given the matter careful consideration and I have been unable to find any section which by necessary inference gives the Board power to deal with the phases of constructual obligation involved, which are alleged to turn upon the question that the Canadian currency is at present depreciated as compared with the currency of the United States. In other words, I cannot see that the subject matter of the complaint has been brought within the scope of section 389, or that it falls either by explicit statement or necessary inference within the broad powers conferred upon the Board. As I read the Railway Act, it is, therefore, open to the applicant, without the intervention of the Board, to pursue his rights, if any, in a court of competent jurisdiction.



## APPENDIX " B "

REPORT OF THE ASSISTANT CHIEF TRAFFIC OFFICER OF THE  
BOARD FOR THE YEAR ENDING DECEMBER 31, 1921

SIR,—I have the honour to submit, for the seventeenth annual report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph, and sleeping and parlour car schedules filed with the Board from November 1, 1904, when, by order of the Board, under the authority of section 311 of the Railway Act, 1903, the railway companies commenced filing their tariffs, to December 31, 1920; and from January 1, 1921, to December 31, 1921, inclusive; also, of the more important orders relating to traffic issued by the Board to December 31, 1921:—

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING  
DECEMBER 31, 1920

## Freight—

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Local tariffs.. . . . .         | 14,592  |         |         |
| Supplements.. . . . .           | 30,209  | 44,801  |         |
| Joint tariffs.. . . . .         | 32,029  |         |         |
| Supplements.. . . . .           | 93,216  | 125,245 |         |
| International tariffs.. . . . . | 119,813 |         |         |
| Supplements.. . . . .           | 372,283 | 492,096 | 662,142 |

## Passenger—

|                                 |        |        |         |
|---------------------------------|--------|--------|---------|
| Local tariffs.. . . . .         | 15,330 |        |         |
| Supplements.. . . . .           | 19,709 | 35,039 |         |
| Joint tariffs.. . . . .         | 13,114 |        |         |
| Supplements.. . . . .           | 21,524 | 34,638 |         |
| International tariffs.. . . . . | 25,878 |        |         |
| Supplements.. . . . .           | 51,832 | 77,710 | 147,387 |

## Express—

|                                 |        |        |        |
|---------------------------------|--------|--------|--------|
| Local tariffs.. . . . .         | 5,915  |        |        |
| Supplements.. . . . .           | 56,014 | 61,929 |        |
| Joint tariffs.. . . . .         | 6,223  |        |        |
| Supplements.. . . . .           | 20,625 | 26,848 |        |
| International tariffs.. . . . . | 4,211  |        |        |
| Supplements.. . . . .           | 2,549  | 6,760  | 95,537 |

## Telephone—

|                                 |        |        |        |
|---------------------------------|--------|--------|--------|
| Local tariffs.. . . . .         | 2,403  |        |        |
| Supplements.. . . . .           | 1,802  | 4,205  |        |
| Joint tariffs.. . . . .         | 3,330  |        |        |
| Supplements.. . . . .           | 20,207 | 23,537 |        |
| International tariffs.. . . . . | 429    |        |        |
| Supplements.. . . . .           | 9,715  | 10,144 | 37,886 |

## Telegraph—

|                       |     |     |     |
|-----------------------|-----|-----|-----|
| Tariffs.. . . . .     | 169 |     |     |
| Supplements.. . . . . | 183 | 352 | 352 |

## Sleeping and Parlour Car—

|                                 |     |     |       |
|---------------------------------|-----|-----|-------|
| Local tariffs.. . . . .         | 150 |     |       |
| Supplements.. . . . .           | 184 | 334 |       |
| Joint tariffs.. . . . .         | 109 |     |       |
| Supplements.. . . . .           | 194 | 303 |       |
| International tariffs.. . . . . | 200 |     |       |
| Supplements.. . . . .           | 606 | 806 | 1,443 |

Combined totals, all schedules.. . . . . 944,747



SCHEDULES RECEIVED FROM JANUARY 1, 1921, TO AND INCLUDING  
DECEMBER 31, 1921

|   |        |        |           |
|---|--------|--------|-----------|
| Freight—                                |        |        |           |
| Local tariffs.. . . . .                 | 2,110  |        |           |
| Supplements.. . . . .                   | 3,598  | 5,708  |           |
| Joint tariffs.. . . . .                 | 4,351  |        |           |
| Supplements.. . . . .                   | 13,272 | 17,623 |           |
| International tariffs.. . . . .         | 9,970  |        |           |
| Supplements.. . . . .                   | 22,978 | 32,948 | 56,279    |
|   |        |        |           |
| Passenger—                              |        |        |           |
| Local tariffs.. . . . .                 | 1,813  |        |           |
| Supplements.. . . . .                   | 2,249  | 4,062  |           |
| Joint tariffs.. . . . .                 | 2,302  |        |           |
| Supplements.. . . . .                   | 3,463  | 5,765  |           |
| International tariffs.. . . . .         | 3,305  |        |           |
| Supplements.. . . . .                   | 6,697  | 10,002 | 19,829    |
|   |        |        |           |
| Express—                                |        |        |           |
| Local tariffs.. . . . .                 | 108    |        |           |
| Supplements.. . . . .                   | 1,219  | 1,327  |           |
| Joint tariffs.. . . . .                 | 52     |        |           |
| Supplements.. . . . .                   | 2,391  | 2,443  |           |
| International tariffs.. . . . .         | 1,765  |        |           |
| Supplements.. . . . .                   | 4,412  | 6,177  | 3,917     |
|   |        |        |           |
| Telephone—                              |        |        |           |
| Local tariffs.. . . . .                 | 125    |        |           |
| Supplements.. . . . .                   | 190    | 315    |           |
| Joint tariffs.. . . . .                 | 166    |        |           |
| Supplements.. . . . .                   | 5,995  | 6,161  |           |
| International tariffs.. . . . .         | 0      |        |           |
| Supplements.. . . . .                   | 4      | 4      | 6,480     |
|   |        |        |           |
| Telegraph—                              |        |        |           |
| Tariffs.. . . . .                       | 4      |        |           |
| Supplements.. . . . .                   | 17     | 21     | 21        |
|   |        |        |           |
| Sleeping and Parlour Car—               |        |        |           |
| Local tariffs.. . . . .                 | 37     |        |           |
| Supplements.. . . . .                   | 59     | 96     |           |
| Joint tariffs.. . . . .                 | 61     |        |           |
| Supplements.. . . . .                   | 98     | 159    |           |
| International tariffs.. . . . .         | 56     |        |           |
| Supplements.. . . . .                   | 153    | 209    | 464       |
| Combined total, all schedules.. . . . . |        |        | 93,020    |
| Grand total.. . . . .                   |        |        | 1,037,767 |

SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST ISSUED DURING THE YEAR ENDED  
DECEMBER 31, 1921

No. 30496, January 3, 1921.—Approves reduced Standard Mileage Freight Tariffs C.R.C. No. 130, of the Edmonton, Dunvegan and British Columbia Railway, and C.R.C. No. 57 of the Central Canada Railway.

No. 30505, January 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Sutton and North Gwillimbury Telephone Company, operating in the County of York, Ont.

No. 30506, January 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Riordan Company, Limited, operating in the County of Terrebonne, Que.

No. 30507, January 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ashgrove Rural Telephone Company, operating in the County of Halton, Ont.



## SESSIONAL PAPER No. 20c

No. 30508, January 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the King Telephone Company, operating in the County of York, Ont.

No. 30509, January 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Champlain Point Telephone Company, operating in the County of Ontario, Ont.

No. 30510, January 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Douro, operating in the County of Peterborough, Ont.

No. 30511, January 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Riordan Company, Limited, operating in the County of Labelle, Que.

No. 30513, January 4, 1921.—Approves certain reduced fare transportation privilege certificates for Commercial Travellers.

No. 30531, January 6, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Fifth Line Telephone Company, operating in the County of Grey, Ont.

No. 30535, January 6, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Silcote Telephone Company, operating in the County of Grey, Ont.

No. 30540, January 12, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Erie Telephone Company, operating in the County of Haldimand, Ont.

No. 30544, January 12, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Caradoc-Ekfrid Telephone Company, operating in the County of Middlesex, Ont.

No. 30553, January 14, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mount Granite Telephone Company, operating in the District of Algoma, Ont.

General Order No. 326, January 14, 1921.—Prescribes amount of exchange surcharge in connection with shipments of freight between points in Canada and points in the United States.

No. 30592, January 27, 1921.—Approves Standard Freight Mileage Tariff, C.R.C. No. 4, of the Toronto Suburban Railway.

No. 30594, January 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Fenalla Rural Telephone Company, operating in the County of Northumberland, Ont.

No. 30598, January 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Peoples Telephone Company, operating in the County of Lambton, Ont.

No. 30613, February 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Aldborough Farmers Telephone Association, operating in the Counties of Elgin and Middlesex, Ont.

No. 30615, February 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Tilbury East, operating in the County of Kent, Ont.

No. 30616, February 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Melanethon Telephone Company, operating in the County of Dufferin, Ont.

No. 30617, February 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Hawley Telephone Company, operating in the County of Lennox and Addington, Ont.



12 GEORGE V, A. 1922

No. 30618, February 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Camperdown Telephone Company, operating in the County of Grey, Ont.

General Order No. 327, February 2, 1921.—Authorizes express companies to increase their rates and charges 35 per cent on all traffic, excepting that classified 2nd class, on which the increase is 25 per cent, excluding articles of food covered by published commodity tariffs, on which the increase is 20 per cent.

No. 30619, February 2, 1921.—Authorizes the Dominion Atlantic Railway Company to file a tariff providing for unloading charges at Halifax, N.S., on export freight traffic, of 1½ cents per 100 pounds on perishable freight and 3 cents per 100 pounds on other freight.

No. 30626, February 6, 1921.—Approves Express Classification for Canada No. 5, C.R.C. No. E.T. 712, to become effective February 9, 1921.

No. 30639, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Cramahe, operating in the County of Northumberland, Ont.

No. 30639, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Sebringville Telephone Company, operating in the County of Perth, Ont.

No. 30640, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Telephone de Piopolis, operating in the County of Frontenac, Que.

No. 30642, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and Le Telephone Local de Garthby, operating in the County of Wolfe, Que.

No. 30643, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Kemble-Sarawak Telephone Company, operating in the County of Gray, Ont.

No. 30658, February 14, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the South Bruce Rural Telephone Company, operating in the County of Bruce, Ont.

No. 30660, February 11, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Princeton Drumbo Telephone Company, operating in the Counties of Oxford and Brant, Ont.

No. 30670, February 18, 1921.—Approves Supplement No. 15 to the Canadian Freight Classification No. 16, showing revised and increased ratings on liquor; provided that there shall be no increase on native Ontario wines, and that the clause respecting owner's risk of breakage be eliminated.

No. 30688, February 22, 1921.—Approves Standard Freight Mileage Tariff C.R.C. No. 738, of the Quebec, Montreal and Southern Railway.

No. 30690, February 24, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Tarbutt and Tarbutt Additional, operating in the District of Algoma, Ont.

No. 30705, February 23, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Uhthoff Telephone Company, operating in the County of Simcoe, Ont.

General Order No. 331, March 5, 1921.—Prescribes amount of exchange surcharge payable in respect of international passenger traffic between Canada and the United States.

No. 30717, March 9, 1921.—Extends time within which the Canadian Pacific Railway Company may test cylinders used for the shipment of compressed gases.

No. 30730, March 9, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Tarentorus Telephone Company, operating in the District of Algoma, Ont.



## SESSIONAL PAPER No. 20c

No. 30731, March 9, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Maple Leaf Telephone Company, operating in the County of Grey, Ont.

No. 30732, March 9, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Glen Eden Telephone Company, operating in the County of Grey, Ont.

No. 30738, March 8, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Haldimand Rural Telephone Company, operating in the County of Northumberland, Ont.

General Order No. 332, March 14, 1921.—Amends the live stock valuations in the classification when shipped with household goods and settlers' effects.

No. 30772, March 14, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Sunderland Telephone Company, operating in the Counties of Ontario and York, Ont.

No. 30783, March 15, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Conn Telephone Company, operating in the Counties of Wellington, Gray and Dufferin, Ont.

No. 30784, March 17, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lacleche Rural Telephone Company, operating in the District of Algoma, Ont.

No. 30794, March 16, 1921.—Declares 2 cents per 100 pounds to be the proper charge for switching stone dust from the Thames Quarry Company's plant to the factory of Deviney & Campbell at St. Marys, Ontario; and authorizes the Canadian Pacific Railway Company to refund overcharges to this basis.

No. 30804, March 21, 1921.—Approves Standard Local Passenger Tariff, C.R.C. No. P-16, of the Hull Electric Company, providing a 25-cent fare applicable between Ottawa and Hull and the Connaught Park Jockey Club.

No. 30806, March 18, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Leith and Annan Telephone Company, operating in the County of Grey, Ont.

No. 30811, March 22, 1921.—Approves Supplement No. 16 to the Canadian Freight Classification No. 16.

No. 30818, March 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Percy, operating in the County of Northumberland, Ont.

General Order No. 333, March 26, 1921.—Prescribes the form, size, and style of the tariffs of telephone tolls to be charged by telephone companies; and approves the system of publication of long distance tolls, known as the "Standard Toll Rate Quoting System."

No. 30832, March 24, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Zion & Wolseley Telephone Company, operating in the County of Grey, Ont.

No. 30833, March 26, 1921.—Approves Standard Freight Mileage Tariff, C.R.C. No. C-2010, of the Maine Central Railroad Company.

No. 30856, April 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Port Hope Telephone Company, operating in the County of Durham, Ont.

General Order No. 337, April 8, 1921.—Prescribes regulations for charges for fixing car doors and loading charges in cases where box cars are supplied by a railway company in lieu of stock cars ordered by the shipper.

General Order No. 338, April 13, 1921.—Authorizes a general increase of 12 per cent in the tolls of the Bell Telephone Company of Canada.

No. 30908, April 16, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Woodford Telephone Company, operating in the County of Grey, Ont.



No. 30909, April 16, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Centre Road Telephone Company, operating in the County of Grey, Ont.

No. 30915, April 19, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Telephone de St. Jude, operating in the County of St. Hyacinthe, Que.

No. 30917, April 20, 1921.—Approves Standard Freight Mileage Tariff, C.R.C. No. 646, of the Chatham, Wallaceburg & Lake Erie Railway.

No. 30972, May 4, 1921.—Prescribes rate of 2 cents per 100 pounds for switching stone dust from the Thames Quarry Company's plant to the factory of Deviney & Campbell at St. Mary's, Ontario, over the Canadian Pacific Railway, the said rate to apply to shipments made on and after March 16, 1921; and rescinds Order No. 30794, dated March 16, 1921.

No. 30989, May 7, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the East Luther Telephone, operating in the County of Dufferin, Ont.

No. 31005, May 9, 1921.—Approves Supplement No. 1 to C.R.C. No. E.T. 694 of the Express Traffic Association of Canada, an addition to the Regulations for Transportation by Express of Dangerous Articles.

No. 31012, May 10, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Alnwick Rural Telephone Company, operating in the County of Northumberland, Ont.

No. 31013, May 10, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Pine Grove Telephone Association, operating in the County of Simcoe, Ont.

No. 31021, May 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Houghton, Bayham & Tilsonburg Telephone Association, operating in the Counties of Norfolk and Elgin, Ont.

No. 31022, May 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Norfolk & Tillsonburg Telephone Company, operating in the Counties of Norfolk and Elgin, Ont.

No. 31039, May 20, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mayo & Blanche Rural Telephone Company, operating in the County of Labelle, Que.

General Order No. 341, May 21, 1921.—Requires railway companies to reduce the rates on coal from mines in the Provinces of Alberta and Saskatchewan to points in the Provinces of Alberta, Saskatchewan and Manitoba, by ten per cent, including coal actually billed out up to and including the 31st day of August.

No. 31050, May 30, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Pembroke and Mud Lake Telephone Company, operating in the County of Renfrew, Ont.

No. 31052, May 30, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the St. Mary's Telephone System, Limited, operating in the County of Shefford, Que.

No. 31069, June 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Gloucester Township Telephone Company, operating in the Counties of Carleton and Russell, Ont.

No. 31070, June 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Allenford Rural Telephone Company, operating in the Counties of Bruce and Grey, Ont.

No. 31096, June 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Johnson Municipal Telephone System.



## SESSIONAL PAPER No. 20c

No. 31097, June 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lucknow and Kinloss Telephone Company, operating in the County of Bruce, Ont.

No. 31098, June 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Sandwich South, operating in the County of Essex, Ont.

No. 31099, June 7, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Waterloo Municipal Telephone System, operating in the County of Waterloo, Ont.

General Order No. 342, June 9, 1921.—Approves supplements to standard passenger tariffs of various railway companies, to become effective July 1, 1921, on the reduced basis prescribed by General Order No. 308, dated September 9, 1920.

No. 31109, June 10, 1921.—Prescribes tolls to be charged by the Bell Telephone Company of Canada for telephone service in the Village of Rockcliffe, Ontario.

No. 31113, June 10, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Parkdale Rural Telephone Company, operating in the County of Middlesex, Ont.

No. 31117, June 16, 1921.—Approves Supplement 1 to Standard Mileage Freight Tariff C.R.C. No. 165, of the Lake Erie and Northern Railway.

No. 31118, June 16, 1921.—Approves Standard Mileage Freight Tariff C.R.C. No. 57, of the Grand River Railway.

No. 31128, June 14, 1921.—Approves Standard Passenger Tariff C.R.C. No. 45, of the Chatham, Wallaceburg and Lake Erie Railway.

No. 31171, June 22, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Cameron Telephone Company, operating in the County of Victoria, Ont.

No. 31178, June 27, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Haldimand Municipal Telephone System, operating in the County of Northumberland, Ont.

No. 31184, June 25, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Téléphone de Warwick, operating in the Counties of Drummond and Arthabaska, Que.

No. 31185, June 25, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Cold Springs Rural Telephone Company, operating in the County of Northumberland, Ont.

No. 31190, June 24, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Belmont Telephone Co-operative Association, operating in the Counties of Middlesex and Elgin, Ont.

No. 31199, June 30, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lambton Telephone Company, operating in the County of Lambton, Ont.

No. 31212, July 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Metcalfe Rural Telephone Company, operating in the County of Carleton, Ont.

No. 31228, July 8, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ingersoll Telephone Company, operating in the County of Oxford, Ont.

No. 31262, July 13, 1921.—Approves Supplement No. 1 to Standard Freight Tariff C.R.C. No. 1630, of the Great Northern Railway.

No. 31261, July 13, 1921.—Prescribes conditions under which the L'Air Liquide Society be permitted to make use of 2,500 high pressure cylinders for the transportation of acetylene.

No. 31271, July 15, 1921.—Approves Supplement No. 1 to the Express Classification for Canada No. 5.



12 GEORGE V, A. 1922

No. 31285, July 18, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lake Charles Telephone Company, operating in the County of Grey, Ont.

No. 31286, July 18, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Brussels, Morris and Grey Municipal Telephone System, operating in the County of Huron, Ont.

No. 31294, July 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie Téléphone Rural de Soulanges, operating in the Counties of Soulanges and Vaudreuil, Que.

No. 31295, July 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Mississauga River Improvement Company, operating in the District of Algoma, Ont.

No. 31303, July 23, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Coldwater Municipal Telephone System, operating in the County of Simcoe, Ont.

No. 31304, July 23, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the United Telephone Company, operating in the County of Middlesex, Ont.

No. 31310, July 27, 1921.—Authorizes an increase in tolls for exchange rentals and charges for service of the British Columbia Telephone Company.

No. 31317, July 27, 1921.—Authorizes the Nipissing Central Railway to make an average increase of 20 per cent in existing passenger rates; and requires the Company to file with the Board monthly statements showing its earnings and expenses.

No. 31320, July 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Pontiac Rural Telephone Company, operating in the County of Pontiac, Que.

No. 31321, July 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Roxborough Municipal Telephone System, operating in the Counties of Stormont and Glengarry, Ont.

No. 31322, July 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Thedford, Arkona & East Lambton Telephone Company, operating in the County of Lambton, Ont.

No. 31329, July 28, 1921.—Permits the Canadian Pacific Railway to cancel stop-off arrangements at Place Viger, Montreal, and at Simcoe Street and the Esplanade, Toronto, on shipments of grain products, hay and potatoes. Inspection to be retained in all cases as it now exists, and stop-off for inspection, change of destination, or for orders, to be retained at Outremont and West Toronto, or Lambton, as at present.

No. 31342, July 25, 1921.—Authorizes the Canadian National Railways to file a rate on grain and grain products, in carloads, from the head of the Lakes to Lévis, Quebec, of 40½ cents, the same as that which is in effect to Quebec City.

No. 31381, August 12, 1921.—Approves Standard Passenger Tariff C.R.C. No. 23, of the Nipissing Central Railway.

No. 31394, August 19, 1921.—Approves tariff C.R.C. No. 5, covering Exchange Rentals and Charges; and Supplement No. 1 to Tariff C.R.C. No. 3, covering Toll Charges, of the British Columbia Telephone Company.

No. 31400, August 17, 1921.—Requires the American Railway Express Company to publish and file a tariff showing a proportional rate of 24 cents per 100 pounds on fruits and vegetables from shipping points on the Toronto, Hamilton and Buffalo Railway to Hamilton, applicable to shipments destined beyond Hamilton.

No. 31405, August 6, 1921.—Authorizes reduced ratings on rubber and rubber articles—Tires and Tire Tubes—to be published in Supplement No. 17 to Canadian Freight Classification No. 16.



## SESSIONAL PAPER No. 20c

No. 31421, August 19, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Brooke, operating the Brooke Municipal Telephone System in the Counties of Lambton and Middlesex, Ont.

No. 31429, August 19, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Téléphone St. Ours, operating in the Counties of Richelieu, St. Hyacinthe, and Verchères, Que.

No. 31489, September 12, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Verona and Frontenac Telephone Company, operating in the County of Frontenac, Ont.

No. 31490, September 12, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lennox Telephone Company, operating in the County of Lennox and Addington, Ont.

No. 31504, September 15, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the North Gosfield Municipal Telephone System, operating in the County of Essex, Ont.

No. 31511, September 14, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Magnetawan Municipal Telephone System, operating in the District of Parry Sound, Ont.

No. 31512, September 15, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Fingal Telephone Company, operating in the County of Elgin, Ont.

No. 31555, September 13, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the McKellar Municipal Telephone System, operating in the District of Parry Sound, Ont.

No. 31560, September 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Erin Municipal Telephone System, operating in the County of Wellington, Ont.

General Order No. 346, September 23, 1921.—Amends Section 1832 of the Regulations for the Transportation of Explosives and other Dangerous Articles by Freight so as to permit of the shipment of phosphorous in metal containers.

No. 31607, October 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Téléphone de Bromptonville, operating in the Counties of Richmond and Sherbrooke, Que.

No. 31608, October 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Burnt River Telephone Company, operating in the Counties of Victoria and Peterborough, Ont.

No. 31610, October 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Dummer Municipal Telephone System, operating in the County of Peterborough, Ont.

No. 31611, October 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Havelock-Cordova Telephone Company, operating in the Counties of Peterborough and Hastings, Ont.

No. 31625, October 5, 1921.—Requires the Canadian National Railways and the Canadian Pacific Railway to publish and file tariffs applying the lumber commodity rate of 17 cents per 100 pounds on shipments of cooperage stock from Smiths Falls, Ont., to Montreal, Que.

No. 31648, October 11, 1921.—Requires the publication and filing of tariffs showing special class rates from Pacific termini to points in British Columbia, Alberta, Saskatchewan and Manitoba.

No. 31669, October 18, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Manvers Municipal Telephone System, operating in the County of Durham, Ont.

No. 31696, October 21, 1921.—Approves Standard Passenger Tariff C.R.C. No. 3, of the Sydney & Louisburg Railway.



12 GEORGE V, A. 1922

No. 31697, October 21, 1921.—Approves Standard Passenger Tariff C.R.C. No. 2, of the Sydney & Louisburg Railway.

No. 31698, October 21, 1921.—Approves Standard Passenger Tariff C.R.C. No. 7, of the Cumberland Railway and Coal Company.

No. 31709, October 25, 1921.—Requires the Canadian Pacific, Grand Trunk, Père Marquette, Chatham, Wallaceburg & Lake Erie, and Wabash Railway Companies and the Michigan Central Railroad, to reduce their mileage rates on sugar beets, in carloads, to Wallaceburg, Ontario.

No. 31721, October 31, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Nelson Telephone Company, operating in the Counties of Halton and Wentworth, Ont.

No. 31727, November 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Hyndford-Douglas Telephone Association, operating in the County of Renfrew, Ont.

No. 31728, November 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lightning Telephone Company, operating in the County of Renfrew, Ont.

No. 31740, November 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Sunny Valley Telephone Company, operating in the County of Grey, Ont.

No. 31749, November 9, 1921.—Approves Supplement No. 2 to C.R.C. E.T.694 of the Express Traffic Association of Canada, covering revised rules in connection with the carriage of electrolyte.

No. 31754, November 8, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bolton Telephone Company, operating in the Counties of Peel and York, Ont.

No. 31762, November 10, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Tilbury West Municipal Telephone System, operating in the County of Essex, Ont.

No. 31784, November 17, 1921.—Approves Supplement No. 18 to the Canadian Freight Classification No. 16.

No. 31800, November 21, 1921.—Amends Order No. 31310, dated July 27, 1921, and declares that the increase in tolls allowed the British Columbia Telephone Company should apply only in Vancouver, North Vancouver, Victoria, New Westminster, and Nanaimo.

No. 31805, November 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Moore Municipal Telephone System, operating in the County of Lambton, Ont.

No. 31806, November 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Yarmouth Rural Telephone Company, operating in the County of Elgin, Ont.

No. 31807, November 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Glenelg Municipal Telephone System, operating in the County of Grey, Ont.

General Order No. 349, November 23, 1921.—Requires a reduction in the charges contained in Rule 9 of the Canadian Car Demurrage Rules.

No. 31809, November 24, 1921.—Prescribes tolls to be charged by the British Columbia Telephone Company at its Kerrisdale Exchange.

No. 31811, November 23, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Woodbridge & Vaughan Telephone Company, operating in the Counties of York and Peel, Ont.

No. 31812, November 23, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Spey River Telephone Company, operating in the County of Grey, Ont.



SESSIONAL PAPER No. 20c

General Order No. 350, November 24, 1921.—Authorizing a general reduction in domestic freight rates within Canada.

No. 31828, November 28, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Prescott Rural Telephone Company, operating in the County of Prescott, Ont.

General Order No. 352, December 1, 1921.—Approves Standard Freight Tariffs of various railway companies, to become effective December 1, 1921, on the reduced basis prescribed by General Order of the Board No. 350, dated November 24th, 1921.

No. 31871, December 7, 1921.—Approves Standard Mileage Freight Tariff C.R.C. No. 57, of the Grand River Railway.

No. 31872, December 7, 1921.—Approves Supplement No. 2 to Standard Mileage Freight Tariff C.R.C. No. 165, of the Lake Erie & Northern Railway.

No. 31893, December 9, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Enterprise Telephone System, operating in the County of Lennox and Addington, Ont.

No. 31907, December 13, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Laurentide Telephone Company, operating in the County of Hull, Que.

No. 31917, December 13, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Coulson-Jarratt Telephone Company, operating in the County of Simcoe, Ont.

No. 31940, December 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Violet Hill Telephone Company, operating in the County of Dufferin, Ont.

I have the honour to be, sir,

Your obedient servant,

GEO. A. BROWN,

*Assistant Chief Traffic Officer.*

A. D. CARTWRIGHT,

*Secretary, B.R.C.*



## APPENDIX "C"

REPORT OF THE CHIEF ENGINEER OF THE BOARD FOR THE YEAR  
ENDING DECEMBER 31, 1921

A. D. CARTWRIGHT, Esq.,  
Secretary, Board of Railway Commissioners,  
Ottawa, Ont.

SIR,—I have the honour to submit herewith a synopsis of my annual report as to the work of the Engineering Department of the Board during the year 1921:—

## ROUTE MAPS

The Canadian Pacific Railway filed and obtained approval of a revision of their Interprovincial and James Bay Railway from Mileage 53 to 69.

The Canadian National Railways filed and obtained approval of a revision of their Rosedale Easterly Branch from Mileage 27 to 118; also of their Eston Southeasterly Branch from Mileage 32 to 44.

The Montreal Central Terminal Railway filed and obtained approval of their general route in the city of Montreal, P.Q.

## LOCATION

Plans have been approved showing the final location of a number of branch lines. These are for the most part in the western provinces, and are as follows:—

*Canadian Pacific Railway*

Moose Jaw Southwesterly Branch, Saskatchewan. Mileage 64.59 to 114.02.  
Moose Jaw Southwesterly Branch, Saskatchewan. Mileage 114.02 to 203.24.  
Quebec Central Railway—Scott station to Diamond Junction, P.Q.

*Canadian National Railways*

Meeting Lake Branch, Saskatchewan. Mileage 0 to 23.01.  
Acadia Valley Branch, Alberta. Mileage 23.03 to 43.36.

*Michigan Central Railway*

Through township of Crowland, Ont. Mileage 0 to 8.833.

*Brantford Street Railway*

Holmedale Extension, Brantford, Ont.  
Eagle Place Extension, Brantford, Ont.

## REVISED LOCATION

*Canadian Pacific Railway*

Bassano Easterly Branch, Saskatchewan. Mileage 194.39 to 222.13.  
Rosetown Southeasterly, Saskatchewan. Mileage 44.37 to 63.47.



SESSIONAL PAPER No. 20c

*Canadian National Railways*

Eston Southeasterly Branch, Saskatchewan. Mileage 31.13 to 35.22.

Kamloops, Kelowna Lumby Branch, B.C. Mile 66 to 69.

Kamloops, Kelowna Lumby Branch, B.C. Mileage 10 to 11.1..

Kamloops, Kelowna Lumby Branch, B.C. Through Sec. 11, Tp. 4, R. 28, W. 6 M.

Kamloops, Kelowna Lumby Branch, B.C. Mileage 0 to 0.9.

Kamloops, Kelowna Lumby Branch, B.C. Through Sec. 15, Tp. 17, R. 11, W. 6 M.

Kamloops, Kelowna Lumby Branch, B.C. Through Sec. 29, Tp. 18, R. 14, W. 6 M.

Kamloops, Kelowna Lumby Branch, B.C. Through Sec. 36, Tp. 17, R. 14, W. 6 M.

Kamloops, Kelowna Lumby Branch, B.C. Through Tp. 19, R. 15, W. 6 M.

Kamloops, Kelowna Lumby Branch, B.C. Through Tp. 18, R. 14, W. 6 M.

Canadian Northwestern Railway, Alberta. Through Sec. 28, Tp. 57, R. 8, W. 5 M.

Mayerthorpe, Alta.

Turtleford Branch, Saskatchewan. Through Sec. 5, Tp. 52, R. 21, W. 3 M.

Turtleford Branch, Saskatchewan. Through Sec. 6, Tp. 53, R. 21, W. 3 M.

Turtleford Branch, Saskatchewan. Through Sec. 5, Tp. 54, R. 22, W. 3 M.

Acadia Valley Branch, Alberta. Mileage 23.90 to 42.23.

*Windsor, Essex and Lake Shore Rapid Railway*

Main street to Lansdowne avenue, Kingsville, Ont.

## HIGHWAY CROSSINGS

In connection with the above location plans, a large number of highway crossings and highway diversion plans were approved, and a number of crossings of existing railways. In all, about five hundred and forty crossings were approved, and thirty-five diversions of highways, distributed as follows:—

New Brunswick—Four crossings.

Quebec—Twenty-five crossings, three diversions.

Ontario—One hundred and twenty crossings, ten diversions.

Manitoba—Forty-seven crossings, three diversions.

Saskatchewan—Two hundred and sixty crossings, twelve diversions.

Alberta—Eighty crossings, five diversions.

British Columbia—Twenty-nine crossings.

Of the crossings in Ontario and Quebec a large proportion were approved in connection with industrial spurs.

Authority was granted for the construction of twelve overhead highway bridges. Authority was granted for the construction of twelve farm crossings.

## BRIDGES

The different railways throughout the country were authorized to construct or reconstruct forty-six bridges. Eight new bridges were inspected by the Board's engineers, and authority granted for operation. Authority was also granted for the filling in of a number of trestles.

## INDUSTRIAL SPURS

Authority was granted for the construction of one hundred and eighty-two industrial spurs, varying in length from a few hundred feet to six miles, also for the removal of six spurs.



12 GEORGE V, A. 1922

## TELEPHONE AGREEMENTS

The Board's Electrical Engineer has checked over and passed on one hundred and ten telephone agreements, covering connections between rural telephone companies and the Bell Telephone Company.

## RAILWAY CROSSINGS

Grade Crossings were authorized at the following points, protected by full interlocking plants:—

Montreal Tramways, by Canadian Pacific Railway at Park Avenue, Montreal, P.Q.

Grand River Railway, by Grand Trunk Railway, township of North Dumfries, Ont.

Canadian National Railways, by Canadian Pacific Railway, in Sec. 9, Tp. 29, Rge. 20, W. 4 M., Alberta.

London and Port Stanley Railway, by St. Thomas Street Railway, Talbot street, St. Thomas, Ont.

London and Port Stanley Railway, by St. Thomas Street Railway, on Elm street, St. Thomas, Ont.

London and Port Stanley Railway, by St. Thomas Street Railway, on Wilson street, St. Thomas, Ont.

Grand River Railway, by Grand Trunk Railway, at Galt, Ont.

London and Port Stanley Railway, by St. Thomas Street Railway, at Wellington street, St. Thomas, Ont.

Grand Trunk Railway, by Canadian Pacific Railway, at Whitby, Ont.

Grand Trunk Railway, by Canadian Pacific Railway, at Pinnacle street, Belleville, Ont.

Grand Trunk Railway, by Canadian Pacific Railway, at Coldwater, Ont.

Grand Trunk Railway, by Lake Erie and Northern Railway, at Galt, Ont.

Canadian Pacific Railway, by International Transit Co., at Sault Ste. Marie, Ont.

Grand Trunk Railway, by Canadian National Railways, in the township of East Gwillimbury, Ont.

Windsor, Essex and Lake Shore Rapid Railway, by Hydro-Electric Power Commission, at Windsor, Ont.

Lake Erie and Northern Railway, by Brantford Street Railway, at Morrell street, Brantford, Ont.

Vancouver, Victoria and Eastern Railway, by the Vancouver Harbour Commissioners' tracks, at False Creek, Vancouver, B.C.

Cape Breton Electric Railway, by Canadian National Railways, at Townsend street, Sydney, N.S.

Canadian Pacific Railway, by Canadian National Railways, at Trenton, Ont.

## INTERCHANGE TRACKS

Plans of interchange tracks have been approved between railways as follows:—

Canadian National Railways and Canadian Pacific Railway, at Estevan, Sask.

Canadian National Railways and the Temiskaming and Northern Ontario Railway, at North Bay, Ont.

Canadian National Railways and Grand Trunk Railway, at Pembroke, Ont.

Canadian National Railways and Canadian Pacific Railway, at Fort William, Ont.

Canadian Pacific Railway and Grand Trunk Railway, in the township of Etobicoke, Ont.



## SESSIONAL PAPER No. 20c

Canadian National Railways and Grand Trunk Railway, in the township of Elizabethtown, Ont.

Canadian National Railways and the Grand Trunk Railway, at Washago, Ont.

Canadian Pacific Railway and the Edmonton, Dunvegan and British Columbia Railway at Edmonton, Alta.

Canadian National Railways and the Canadian Pacific Railway, at Montfort Jct., P.Q.

Edmonton and Slave Lake Railway and Grand Trunk Pacific Railway, at Union Jct., Alta.

Also plans of connecting tracks were approved at the following points:—

Canadian National Railways and National Transcontinental Railway, at St. Prosper, P.Q.

Port Haney Logging Railway and Canadian Pacific Railway, at North Bend, B.C.

Canadian National Railways and Grand Trunk Pacific Railway, in Sec. 25-26, Twp. 53, Rge. 7, W. 5 M., Alberta.

Canadian National Railways and Grand Trunk Pacific Railway, at Ryley, Alta.

Canadian National Railways and Grand Trunk Pacific Railway, near Camrose, Alta.

Canadian National Railways and Grand Trunk Pacific Railway, near Alix, Alta.

Canadian National Railways and Grand Trunk Pacific Railway, near Drumheller, Alta.

Canadian National Railways and Grand Trunk Pacific Railway, near Regina, Sask.

Canadian National Railways and Grand Trunk Pacific Railway, at Edmonton, Alta.

## OPENING FOR TRAFFIC

Grand River Railway from Kerr street, Galt, Ont., to junction with main line at west city limit, 1.5 miles.

Grand River Railway, second track, Preston to Hageys, Ont.

Canadian National Railways, Luck Lake Branch. Mileage 19.75 to 28.54, Saskatchewan.

Canadian National Railways, Drumheller Subdivision. Mileage 302.6 to 315.6, Alberta.

Canadian National Railways, connection with Temiskaming and Northern Ontario Railway at North Bay, Ont.

Canadian National Railways, Hanna-Medicine Hat Branch. Mileage 0 to 58.8, Alberta.

Canadian National Railways, Moose Jaw Branch. Mileage 85.6 to 87, Saskatchewan.

Canadian Pacific Railway, Lanigan northeasterly branch. Mileage 0 to 49.34, Saskatchewan.

Canadian National Railways, second track, Drumheller Branch. Mileage 315.6 to 322.7, Alberta.

Quebec Central Railway, Scotts to Diamond Jct., P.Q.

Canadian Pacific Railway, Langdon North Branch. Mileage 38.88 to 74.29, Alberta.

Brantford Street Railway, in city of Brantford, Ont.

Canadian National Railways, Melfort Northeasterly Branch. Mileage 0 to 23.7, Saskatchewan.

Canadian Pacific Railway, St. John Subdivision, New Brunswick. Mileage 1.38 to 1.93.

Canadian National Railways, Thunderhill Branch. Mileage 72.6 to 100.3 Saskatchewan.



12 GEORGE V, A. 1922

Canadian National Railways, Turtleford Branch. Mileage 57 to 77.8, Saskatchewan.

Canadian Northwestern Railway, Onoway Subdivision. Mileage 33.8 to 72.3, Alberta.

Canadian National Railways, Lintlaw to Kelvington. Mileage 100.3 to 114.1, Saskatchewan.

Windsor, Essex and Lake Shore Rapid Railway, in town of Kingsville, Ont.

## DRAINAGE

Right of way ditching, Canadian National Railways, at Letellier, Man.

Culvert under Canadian Pacific Railway, at East Kildonan, Man.

Dyking of lands in District of Sumas, B.C., on the line of the Vancouver, Victoria and Eastern Railway and Navigation Company.

Ditching on the right of way of the Canadian Pacific Railway in Township of Thessalon, Ont.

Municipal drain in Township of Minto, Ont., under the Grand Trunk Railway.

Irrigation ditches under the Canadian Pacific Railway, near Calgary, Alta.

Slagg drain under the Grand Trunk Railway, in the township of Raleigh, Ont.

Water main under the tracks of the Esquimault and Nanaimo Railway, at Courtenay, B.C.

## MISCELLANEOUS

In addition to the above, many other matters have been dealt with, some of them involving inspections, such as protection at highway crossings, fencing on railway right of way, changes in interlocking plants, improvement of view at highway crossings, filling in of trestles, subways, cableway crossings, cattle passes, ferry slips and approaches, wire crossings, etc.

I have the honour to be, sir,

Your obedient servant,

GEO. A. MOUNTAIN,

*Chief Engineer.*



## APPENDIX " D "

REPORT OF THE CHIEF OPERATING OFFICER OF THE BOARD FOR  
THE YEAR ENDING DECEMBER 31, 1921

DEAR SIR,—I have the honour to submit herewith, for the Board's seventeenth annual report, a synopsis of work performed by the Operating Department during the twelve months ending December 31, 1921.

## REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OR LOSS OF LIFE

During the twelve months accidents to the number of 1,821, covering 243 persons killed and 1,928 persons injured, were reported to the Board by the various railway companies under its jurisdiction. For particulars, attention is directed to statements 1, 3 and 4.

A perusal of statements Nos. 2, 5, and 6, which are comparative statements of the killed and injured, as between passengers, employees and others; class of accident and railways, reveals a decrease of 11 persons killed and 402 persons injured over the preceding twelve months.

Out of a total of 1,821 accidents reported, as above referred to, 1,272 were investigated, covering 221 persons killed and 1,421 injured. Statements Nos. 7, 8, 9 and 10 set out in detail the investigations made as regards collisions, derailments, highway crossing accidents, also accidents the result of working on or under engines. These four statements show a total of 460 investigations covering 85 persons killed and 671 persons injured. The remainder of the investigations, which number 812, covering 136 persons killed and 705 persons injured, are spread over accidents covered by the various other headings referred to in statements Nos. 3, 4, and 5.

It will be observed that out of the total of 243 persons killed and 1,928 injured, there were trespassers to the number of 64 killed and 91 injured. In this connection reference is made to statement No. 16 which shows the number killed and injured by railways and provinces.

The matter of highway crossing accidents, protection provided, etc., is set out in detail in statements Nos. 3, 4, 5, 9, 11, 12, 13, 14 and 15.

## INSPECTION OF SAFETY APPLIANCES

The work in this connection is largely carried on under the provisions of section 298 of the Act and General Order No. 102. The year's work is set out in detail in statements Nos. 19, 20, 21 A and B. It is needless to say that the inspection of 76,789 cars entails considerable time and labour, both as regards field work, and the resultant checking, recording and filing of the numerous reports, in addition to the correspondence necessary in following up with a view to having the railway companies take the necessary action to have the defects remedied. The inspection of 76,789 cars produced 4,352 defective cars (5.66 per cent) with defects totalling 4,883.

## INSPECTION OF MOTIVE POWER

This division of the work embraces the entire locomotive and tender, and is carried out under sections 298, 299, 300 and 301 of the Railway Act and General Orders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199, 226, 289 and 293.



12 GEORGE V, A. 1922

Under General Order No. 78, the so-called "Boiler Inspection Order," approximately 70,000 report forms comprising the monthly and annual inspections of locomotive boilers and appurtenances were filed during the year.

During the year locomotives to the number of 12,559 were inspected with defective engines totalling 923 (7 per cent) and total defects of 1,060. For details reference is made to statement No. 22.

The checking and recording of the above mentioned forms and reports, together with the correspondence involved, naturally creates an extensive line of work.

#### INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

#### APPLICATIONS AND COMPLAINTS RE TRAIN AND STATION SERVICE, HIGHWAY CROSSING PROTECTION, STATION LOCATIONS, CAR SUPPLY, ETC., ETC.

The work under this heading covers a wide range of matters, and entails, in many instances, a considerable amount of enquiry and research. During the year complaints and applications numbering in the neighbourhood of 1,300 were enquired into and reported upon.

In conclusion it might be stated that, in order to accomplish the work briefly outlined above, it has necessitated the travelling by the staff of this department, of approximately, 300,000 miles.

Yours faithfully,

G. SPENCER,

*Chief Operating Officer.*

A. D. CARTWRIGHT,

Secretary, B.R.C.



## SESSIONAL PAPER No. 20c

No. 1.—STATEMENT Showing Number of Passengers, Employees and Others, Killed and Injured on the Various Railways in Canada, under the Board's Jurisdiction, for Year Ending December 31, 1921.

| Name of Railway                   | Passengers |         | Employees |         | Others |         | Total  |         |
|-----------------------------------|------------|---------|-----------|---------|--------|---------|--------|---------|
|                                   | Killed     | Injured | Killed    | Injured | Killed | Injured | Killed | Injured |
| Grand Trunk                       |            | 99      | 18        | 368     | 49     | 112     | 67     | 579     |
| Canadian Pacific                  | 3          | 65      | 37        | 184     | 67     | 107     | 107    | 356     |
| Canadian National                 |            | 48      | 29        | 712     | 18     | 68      | 47     | 828     |
| Pere Marquette                    |            |         |           |         | 1      | 2       | 1      | 2       |
| Hamilton Radial                   |            |         |           |         |        | 4       |        | 4       |
| Central Vermont                   |            |         |           |         |        | 1       |        | 1       |
| Quebec Central                    | 1          |         |           |         |        | 1       | 1      | 1       |
| Napierville Junction              |            |         | 2         | 3       | 3      | 4       | 5      | 7       |
| Windsor Essex & Lake Shore        |            |         |           |         |        | 2       |        | 2       |
| Montreal & Southern Counties      |            | 3       |           |         |        |         |        | 3       |
| Oshawa                            |            |         |           |         |        | 4       |        | 4       |
| Lake Erie & Northern              |            |         |           |         |        | 4       |        | 4       |
| Dominion Atlantic                 |            |         |           |         |        | 1       |        | 1       |
| Essex Terminal                    |            |         |           |         |        | 1       |        | 1       |
| Edmonton Dunvegan & Brit. Col     |            |         |           |         |        | 4       |        | 4       |
| Boston & Maine                    |            |         |           |         | 1      |         | 1      |         |
| Niagara, St. Catharines & Toronto |            | 9       |           | 1       | 3      | 5       | 3      | 15      |
| Brantford & Hamilton Elec.        |            |         |           |         |        | 6       |        | 6       |
| Michigan Central                  |            | 1       | 1         | 25      | 2      | 7       | 3      | 33      |
| Wabash                            |            |         |           | 8       |        |         |        | 8       |
| Grand River                       |            | 2       | 1         |         |        | 4       | 1      | 6       |
| New York Central                  |            | 6       |           | 11      | 1      | 1       | 1      | 18      |
| Great Northern                    |            | 1       | 1         | 8       | 1      |         | 2      | 9       |
| Kettle Valley                     |            | 1       | 2         | 12      |        | 1       | 2      | 14      |
| Esquimalt & Nanaimo               |            | 2       |           |         |        | 1       |        | 3       |
| Toronto Hamilton & Buffalo        |            | 3       |           | 8       | 2      | 4       | 2      | 15      |
| Quebec Montreal & Southern        |            |         |           | 4       |        |         |        | 4       |
|                                   | 4          | 240     | 91        | 1344    | 148    | 344     | 243    | 1928    |

No. 2.—COMPARATIVE STATEMENT of Killed and Injured Between Year Ending December 31, 1920, and Year Ending December 31, 1921.

|               | Passengers |         | Employees |         | Others |         | Total  |         |
|---------------|------------|---------|-----------|---------|--------|---------|--------|---------|
|               | Killed     | Injured | Killed    | Injured | Killed | Injured | Killed | Injured |
| 1920.....     | 17         | 379     | 80        | 1,570   | 157    | 381     | 254    | 2,330   |
| 1921.....     | 4          | 240     | 91        | 1,344   | 148    | 344     | 243    | 1,928   |
| Decrease..... | 13         | 139     |           | 226     | 9      | 37      | 11     | 402     |
| Increase..... |            |         | 11        |         |        |         |        |         |



12 GEORGE V, A. 1922

No. 3.—STATEMENT Showing Separately the Number of Passengers, Employees and Others Killed and Injured, and the Nature of the Accidents, for Twelve Months ending December 31, 1921.

| Character of Accidents  | Passengers |         | Employees |         | Others |         | Total  |         |
|---|------------|---------|-----------|---------|--------|---------|--------|---------|
|   | Killed     | Injured | Killed    | Injured | Killed | Injured | Killed | Injured |
| Derailment .....  |            | 66      | 11        | 91      | 1      | 2       | 12     | 159     |
| Collision head on .....   |            | 10      | 2         | 23      |        |         | 2      | 33      |
| Collision rear end .....  |            | 5       | 2         | 20      |        | 3       | 2      | 28      |
| Collision in yard .....   |            | 20      | 1         | 23      |        |         | 1      | 43      |
| Collision with cars standing foul... ..                           |            | 9       |           | 6       |        |         |        | 15      |
| Collision with cars account open switch .....                     |            | 2       | 2         | 4       |        |         | 2      | 6       |
| Collision at level (diamond) crossing .....                       |            | 3       |           | 4       |        |         |        | 7       |
| Public highway crossing protected by gates .....                  |            |         |           |         | 5      | 13      | 5      | 13      |
| Public highway crossing protected by bell .....                   |            |         |           |         | 14     | 27      | 14     | 27      |
| Public highway crossing protected by watchman .....               |            |         |           | 2       | 1      | 6       | 1      | 8       |
| Public highway crossing unprotected .....                         |            |         |           | 5       | 50     | 161     | 50     | 166     |
| Private crossing .....  |            |         |           | 5       | 6      | 13      | 6      | 18      |
| Trespassing .....   |            |         |           | 3       | 64     | 88      | 64     | 91      |
| Working on or under engine .....                                  |            |         |           | 235     |        |         |        | 235     |
| Miscellaneous .....   | 1          | 53      | 12        | 280     | 2      | 8       | 15     | 341     |
| Adjusting couplers, coupling and uncoupling .....                 |            |         |           | 69      |        |         |        | 69      |
| Run down by engine or car between stations .....                  |            |         | 3         | 5       |        |         | 3      | 5       |
| Falling off hand car, motor or velocipede .....                   |            |         | 4         | 88      |        |         | 4      | 88      |
| Hand car, motor, velocipede struck by train .....                 |            |         | 7         | 44      | 2      | 15      | 9      | 59      |
| Crawling under cars .....   |            |         |           | 1       |        |         |        | 1       |
| Crawling between cars over couplers .....                         |            |         |           | 3       |        |         |        | 3       |
| Passing between cars between couplers .....                       |            |         | 2         | 3       |        | 1       | 2      | 4       |
| Struck by car standing foul .....                                 |            |         |           | 1       |        |         |        | 1       |
| Struck by switch stand, water spout, mail crane, etc. ....        |            | 2       | 1         | 29      |        |         | 1      | 31      |
| Crushed between cars, building, lumber pile, platforms, etc. .... |            |         | 1         | 8       | 1      |         | 2      | 8       |
| Explosion of locomotive boiler .....                              |            |         |           | 6       |        |         |        | 6       |
| Falling off passenger train .....                                 | 3          | 12      |           | 6       |        |         | 3      | 18      |
| Falling off tender while handling coal .....                      |            |         |           | 2       |        |         |        | 2       |
| Falling off tender while taking water .....                       |            |         |           | 3       |        |         |        | 3       |
| Industrial .....  |            |         | 8         | 34      |        |         | 8      | 34      |
| Riding on pilot or footboard of engine .....                      |            |         | 1         | 22      |        |         | 1      | 22      |
| Overhead obstruction .....  |            |         | 1         | 10      |        |         | 1      | 10      |
| Repairing cars on repair track when moved .....                   |            |         |           |         |        |         |        |         |
| Falling off top of car .....                                      |            |         | 2         | 16      | 1      |         | 3      | 16      |
| Falling between cars .....  |            |         | 2         | 7       |        |         | 2      | 7       |
| Application of air brakes .....                                   |            | 5       |           | 66      |        | 1       |        | 72      |
| Jumping off train in motion .....                                 |            | 39      | 3         | 24      |        | 1       | 3      | 64      |
| Attempt to board train in motion .....                            |            | 13      | 3         | 23      |        | 2       | 3      | 38      |
| Washout .....   |            |         | 1         | 3       |        |         | 1      | 3       |
| Bridge gave way or destroyed by fire .....                        |            |         | 1         | 4       |        |         | 1      | 4       |
| Electrocuted .....  |            |         |           |         |        |         |        |         |
| Run down by engine or cars at stations or in yards .....          |            | 1       | 17        | 54      | 1      | 2       | 18     | 57      |
| Passing too close around end of string of cars .....              |            |         |           | 1       |        |         |        | 1       |
| Caught in frog, guard rail, or switch rod .....                   |            |         |           | 4       |        |         |        | 4       |
| Caught by engine or car throwing switch .....                     |            |         | 1         | 4       |        |         | 1      | 4       |



## SESSIONAL PAPER No. 20c

No. 3.—STATEMENT Showing Separately the Number of Passengers, Employees and Others Killed and Injured, and the Nature of the Accidents, for Twelve Months ending December 31, 1921—*Concluded*.

| Character of Accidents  | Passengers |         | Employees |         | Others |         | Total  |         |
|---|------------|---------|-----------|---------|--------|---------|--------|---------|
|   | Killed     | Injured | Killed    | Injured | Killed | Injured | Killed | Injured |
| Falling off side and end ladders of car.....                    |            |         |           | 18      |        |         |        | 18      |
| Falling off car while working hand brake.....                   |            |         | 1         | 22      |        |         | 1      | 22      |
| Asphyxiated in tunnel.....                                      |            |         |           | 17      |        |         |        | 17      |
| Handling freight and baggage.....                               |            |         |           | 20      |        |         |        | 20      |
| Loading and unloading O.C.S. material.....                      |            |         |           | 2       |        |         |        | 2       |
| Staking or poling cars.....                                     |            |         |           | 1       |        |         |        | 1       |
| Working in coal chute.....                                      |            |         |           | 4       |        | 1       |        | 5       |
| Cars moved while being loaded or unloaded.....                  |            |         |           |         |        |         |        |         |
| Drawbridge open.....  |            |         |           | 2       |        |         |        | 2       |
| Carmen working on or under cars on running track when moved.... |            |         |           |         |        |         |        |         |
| Chaining and unchaining cars.....                               |            |         |           | 17      |        |         | 2      | 17      |
| Coupling and uncoupling hose and turning angle cock.....        | 4          | 240     | 91        | 1,344   | 148    | 344     | 243    | 1,928   |















## SESSIONAL PAPER No. 20c

[illegible]







## SESSIONAL PAPER No. 20c

|   | 8 | 1 | 6 | 1 | 18 | 2 | 9 | 11 | 2 | 3 | 2 | 15 | 4 | 243 | 1,928 |
|---|---|---|---|---|----|---|---|----|---|---|---|----|---|-----|-------|
| Asphyxiated in tunnel                                       |   |   |   |   |    |   |   |    |   |   |   |    |   |     |       |
| Handling freight and baggage                                |   |   |   |   | 1  |   |   |    |   |   |   |    |   |     |       |
| Loading and unloading O. C. S. material                     |   |   |   |   |    |   | 1 |    |   |   |   |    |   |     |       |
| Staking or piling cars                                      |   |   |   |   |    |   |   |    |   |   |   |    |   |     |       |
| Working in coal chute                                       |   |   |   |   |    |   |   |    |   |   |   |    |   |     |       |
| Cars moved while being loaded or unloaded                   |   |   |   |   |    |   |   |    |   |   |   |    |   |     |       |
| Drawbridge open   |   |   |   |   |    |   |   |    |   |   |   |    |   |     |       |
| Carmen working on or under cars on running track when moved |   |   |   |   |    |   |   |    |   |   |   |    |   |     |       |
| Chaining and unchaining cars                                |   |   |   |   | 1  |   |   |    |   |   |   |    |   |     |       |
| Coupling and uncoupling hose and turning angle cock         |   |   |   |   |    |   |   |    |   |   |   |    |   |     |       |
|   | 8 | 1 | 6 | 1 | 18 | 2 | 9 | 11 | 2 | 3 | 2 | 15 | 4 | 243 | 1,928 |



12 GEORGE V, A. 1922

No. 5.—COMPARATIVE STATEMENT in Totals of Killed and Injured by Class of Accident  
Between Year Ending December 31, 1920, and Year Ending December 31, 1921.

| Character of Accidents   | 1920 |       | 1921 |       | 1921     |     |          |     |
|--|------|-------|------|-------|----------|-----|----------|-----|
|  | K.   | I.    | K.   | I.    | Increase |     | Decrease |     |
|  |      |       |      |       | K.       | I.  | K.       | I.  |
| Derailment.....  | 11   | 316   | 12   | 159   | 1        |     |          | 157 |
| Collision, head on.....  |      | 66    | 2    | 33    | 2        |     |          | 33  |
| Collision, rear end.....   | 14   | 58    | 2    | 28    |          |     | 12       | 30  |
| Collision in yard.....   | 2    | 45    | 1    | 43    |          |     | 1        | 2   |
| Collision with cars standing foul.....                           |      | 4     |      | 15    |          | 11  |          |     |
| Collision with cars account open switch.....                     |      | 21    | 2    | 6     | 2        |     |          | 15  |
| Collision at level (diamond) crossing.....                       |      | 4     |      | 7     |          | 3   |          |     |
| Public highway crossing protected by gates.....                  | 6    | 14    | 5    | 13    |          |     | 1        | 1   |
| Public highway crossing protected by bell.....                   | 6    | 29    | 14   | 27    | 8        |     |          | 2   |
| Public highway crossing protected by watchman.....               | 4    | 8     | 1    | 8     |          |     | 3        |     |
| Public highway crossing unprotected.....                         | 52   | 164   | 50   | 166   |          | 2   | 2        |     |
| Private crossing.....  | 2    | 10    | 6    | 18    | 4        | 8   |          |     |
| Trespassing.....   | 73   | 120   | 64   | 91    |          |     | 9        | 29  |
| Working on or under engine.....                                  | 3    | 232   |      | 235   |          | 3   | 3        |     |
| Miscellaneous.....   | 7    | 376   | 15   | 341   | 8        |     |          | 35  |
| Adjusting couplers, coupling and uncoupling.....                 | 6    | 101   |      | 69    |          |     | 6        | 32  |
| Run down by engine or car between stations.....                  | 9    | 8     | 3    | 5     |          |     | 6        | 3   |
| Falling off hand car, motor or velocipede.....                   | 1    | 49    | 4    | 88    | 3        | 39  |          |     |
| Hand car, motor, velocipede struck by train.....                 | 6    | 44    | 9    | 59    | 3        | 15  |          |     |
| Crawling under cars.....   |      | 1     |      | 1     |          |     |          |     |
| Crawling between cars over couplers.....                         | 2    | 8     |      | 3     |          |     | 2        | 5   |
| Passing between cars between couplers.....                       | 2    | 3     | 2    | 4     |          | 1   |          |     |
| Struck by car standing foul.....                                 |      | 10    |      | 1     |          |     |          | 9   |
| Struck by switch stand, water spout, mail crane, etc.....        |      | 43    | 1    | 31    | 1        |     |          | 12  |
| Crushed between cars, building, lumber pile, platform, etc.....  |      | 16    | 2    | 8     | 2        |     |          | 8   |
| Explosion of locomotive boiler.....                              |      |       |      | 6     |          | 6   |          |     |
| Falling off passenger train.....                                 | 3    | 24    | 3    | 18    |          |     |          | 6   |
| Falling off tender while handling coal.....                      |      | 2     |      | 2     |          |     |          |     |
| Falling off tender while taking water.....                       |      | 9     |      | 3     |          |     |          | 6   |
| Industrial.....  | 2    | 58    | 8    | 34    | 6        |     |          | 24  |
| Riding on pilot or footboard of engine.....                      | 2    | 16    | 1    | 22    |          | 6   | 1        |     |
| Overhead obstruction.....  |      | 3     | 1    | 10    | 1        | 7   |          |     |
| Repairing cars on repair track when moved.....                   |      |       |      |       |          |     |          |     |
| Falling off top of car.....                                      | 3    | 33    | 3    | 16    |          |     |          | 17  |
| Falling between cars.....  | 3    | 2     | 2    | 7     |          | 5   | 1        |     |
| Application of air brake.....                                    |      | 53    |      | 72    |          | 19  |          |     |
| Jumping off train in motion.....                                 | 4    | 62    | 3    | 64    |          | 2   | 1        |     |
| Attempt to board train in motion.....                            |      | 57    | 3    | 38    | 3        |     |          | 19  |
| Washout.....   | 1    | 2     | 1    | 3     |          | 1   |          |     |
| Bridge gave way or destroyed by fire.....                        | 1    | 2     | 1    | 4     |          | 2   |          |     |
| Electrocuted.....  |      |       |      |       |          |     |          |     |
| Run down by engine or cars at stations or in yards.....          | 26   | 76    | 18   | 57    |          |     | 8        | 19  |
| Passing too close around end of string of cars.....              |      |       |      | 1     |          | 1   |          |     |
| Caught in frog, guard rail, or switch rod.....                   |      | 3     |      | 4     |          | 1   |          |     |
| Caught by engine or car throwing switch.....                     |      | 4     | 1    | 4     | 1        |     |          |     |
| Falling off side and end ladders of car.....                     |      | 23    |      | 18    |          |     |          | 5   |
| Falling off car while working hand brake.....                    | 2    | 29    | 1    | 22    |          |     | 1        | 7   |
| Asphyxiated in tunnel.....                                       |      |       |      |       |          |     |          |     |
| Handling freight and baggage.....                                |      | 33    |      | 17    |          |     |          | 16  |
| Loading and unloading O.C.S. material.....                       |      | 36    |      | 20    |          |     |          | 16  |
| Staking or poling cars.....                                      |      | 1     |      | 2     |          | 1   |          |     |
| Working in coal chute.....                                       |      | 8     |      | 1     |          |     |          | 7   |
| Cars moved while being loaded or unloaded.....                   |      | 15    |      | 5     |          |     |          | 10  |
| Drawbridge open.....   |      |       |      |       |          |     |          |     |
| Carmen working on or under cars on running track when moved..... |      | 16    |      | 2     |          |     |          | 14  |
| Chaining and unchaining cars.....                                |      | 1     |      |       |          |     |          | 1   |
| Coupling and uncoupling hose and turning angle cock.....         | 1    | 12    | 2    | 17    | 1        | 5   |          |     |
|  | 254  | 2,330 | 243  | 1,928 | 46       | 138 | 57       | 540 |
| Decrease.....  | 243  | 1,928 |      |       |          |     | 46       | 138 |
|  | 11   | 402   |      |       |          |     | 11       | 402 |



SESSIONAL PAPER No. 20c

No. 6.—COMPARATIVE STATEMENT in Totals of Killed and Injured Between Year Ending December 31, 1920, and Year Ending December 31, 1921.

|  | 1920  |       | 1921  |       | 1921     |       |          |       |
|--|-------|-------|-------|-------|----------|-------|----------|-------|
|  |       |       |       |       | Increase |       | Decrease |       |
|  | K.    | I.    | K.    | I.    | K.       | I.    | K.       | I.    |
| Grand Trunk.....                             | 70    | 866   | 67    | 579   | .....    | ..... | 3        | 287   |
| Canadian Pacific.....                        | 110   | 509   | 107   | 356   | .....    | ..... | 3        | 153   |
| Canadian National.....                       | 43    | 732   | 47    | 828   | 4        | 96    | .....    | 6     |
| Père Marquette.....                          | ..... | 8     | 1     | 2     | 1        | ..... | .....    | 5     |
| Hamilton Radial.....                         | 2     | 9     | ..... | 4     | .....    | ..... | 2        | 2     |
| Central Vermont.....                         | ..... | 3     | ..... | 1     | .....    | ..... | .....    | ..... |
| Quebec Central.....                          | ..... | ..... | 1     | 1     | 1        | 1     | .....    | ..... |
| Napierville Junction.....                    | 4     | 2     | 5     | 7     | 1        | 5     | .....    | ..... |
| Windsor Essex and Lake Shore.....            | ..... | 2     | ..... | 2     | .....    | ..... | .....    | ..... |
| Montreal and Southern Counties.....          | ..... | 2     | ..... | 3     | .....    | 1     | .....    | ..... |
| Oshawa.....                                  | ..... | ..... | ..... | 4     | .....    | 4     | .....    | ..... |
| Lake Erie and Northern.....                  | ..... | 5     | ..... | 4     | .....    | ..... | .....    | 1     |
| Dominion Atlantic.....                       | 1     | 3     | ..... | 1     | .....    | ..... | 1        | 2     |
| Essex Terminal.....                          | ..... | ..... | ..... | 1     | .....    | 1     | .....    | ..... |
| Edmonton, Dunvegan and British Columbia..... | ..... | ..... | ..... | 4     | .....    | 4     | .....    | ..... |
| Boston and Maine.....                        | ..... | ..... | 1     | ..... | 1        | ..... | .....    | ..... |
| Niagara, St. Catharines and Toronto.....     | ..... | ..... | 3     | 15    | 3        | 15    | .....    | ..... |
| Brantford and Hamilton Electric..            | 3     | 5     | ..... | 6     | .....    | 1     | 3        | ..... |
| Michigan Central.....                        | 7     | 37    | 3     | 33    | .....    | ..... | 4        | 4     |
| Wabash.....                                  | ..... | 10    | ..... | 8     | .....    | ..... | .....    | 2     |
| Grand River.....                             | ..... | 5     | 1     | 6     | 1        | 1     | .....    | ..... |
| New York Central..                           | ..... | 10    | 1     | 18    | 1        | 8     | .....    | ..... |
| Great Northern.....                          | ..... | ..... | 2     | 11    | 2        | 9     | .....    | ..... |
| Kettle Valley.....                           | 1     | 13    | 2     | 14    | 1        | 1     | .....    | ..... |
| Esquimalt and Nanaimo.....                   | 1     | 5     | ..... | 3     | .....    | ..... | 1        | 2     |
| Toronto, Hamilton and Buffalo.....           | 1     | 16    | 2     | 15    | 1        | ..... | .....    | 1     |
| Quebec, Montreal and Southern.....           | 1     | 14    | ..... | 4     | .....    | ..... | 1        | 10    |
| †Grand Trunk Pacific...                      | 6     | 30    | ..... | ..... | .....    | ..... | 6        | 30    |
| Algoma Central and Hudson Bay.....           | ..... | 1     | ..... | ..... | .....    | ..... | .....    | 1     |
| *Vancouver, Victoria and Eastern.....        | ..... | 38    | ..... | ..... | .....    | ..... | .....    | 38    |
| Maine Central.....                           | 1     | ..... | ..... | ..... | .....    | ..... | 1        | ..... |
| British Columbia Electric.....               | 1     | 1     | ..... | ..... | .....    | ..... | 1        | 1     |
| Hull Electric.....                           | 1     | 1     | ..... | ..... | .....    | ..... | 1        | 1     |
| Algoma Eastern.....                          | ..... | 1     | ..... | ..... | .....    | ..... | .....    | 1     |
| Quebec Oriental.....                         | 1     | 1     | ..... | ..... | .....    | ..... | 1        | 1     |
| Midland.....                                 | ..... | 1     | ..... | ..... | .....    | ..... | .....    | 1     |
|  | 254   | 2,330 | 243   | 1,928 | 17       | 147   | 28       | 549   |
| Decrease.....                                | 243   | 1,928 | ..... | ..... | .....    | ..... | 17       | 147   |
|  | 11    | 402   | ..... | ..... | .....    | ..... | 11       | 402   |

NOTE.—†Now consolidated with Canadian National Railways.

\*Now consolidated with Great Northern Railway.



12 GEORGE V, A. 1922

No. 7.—STATEMENT Showing Collisions Attended by Personal Injury Investigated  
During the Year Ending December 31, 1921.

| File         | Date         | Railway                | Place   | Killed | Injured |
|--------------|--------------|------------------------|---|--------|---------|
| Inv. 9608... | Dec. 23....  | C.P.R.                 | Forks, Ont., M.P. 33, Nemegos Subdivision.....            |        | 2       |
| " 9612...    | Dec. 27....  | C.N.R.                 | Dauphin, Man., M.P. 76-8.....                             |        | 1       |
| " 9632...    | Dec. 18....  | G.T.R.                 | Windsor, Ont.....   |        | 4       |
| " 9642...    | Dec. 23....  | C.P.R.                 | Calgary, Alta.....  |        | 3       |
| " 9692...    | Dec. 29....  | C.N.R.                 | Rivers Yard, Man.....                                     |        | 5       |
| " 9693...    | Dec. 22....  | C.N.R.                 | Munson Yard, Alta.....                                    |        | 2       |
| " 9704...    | Jan. 1....   | C.N.R.                 | Turtle, Ont.....  | 2      | 2       |
| " 9705...    | Dec. 17....  | C.N.R.                 | Ste. Anne, Man.....                                       |        | 6       |
| " 9706...    | Dec. 3....   | C.N.R.                 | Drumheller Yard, Alta.....                                | 1      | 2       |
| " 9742...    | Dec. 15....  | G.T.R. &<br>Mtl. trams | Turcot, Que.....  |        | 3       |
| " 9771...    | Jan. 21....  | C.N.R.                 | Oakner, Man.....  |        | 2       |
| " 9792...    | Feb. 5....   | C.P.R.                 | Farnham Yard, Que.....                                    |        | 2       |
| " 9796...    | Feb. 16....  | C.P.R.                 | Winnipeg, Man.....  |        | 1       |
| " 9826...    | Jan. 17....  | C.N.R.                 | North Bay, Ont.....                                       |        | 1       |
| " 9830...    | Feb. 3....   | G.T.R.                 | Stoney Creek, Ont.....                                    |        | 1       |
| " 9863...    | Feb. 16....  | C.N.R.                 | Welby, Sask.....  |        | 1       |
| " 9873...    | Feb. 15....  | G.T.R. &<br>B.S. Ry.   | Brantford, Ont.....                                       |        | 3       |
| " 9899...    | Mar. 2....   | C.N.R.                 | Oba, Ont., 19 poles West of M.P. 40.....                  |        | 4       |
| " 9902...    | Mar. 17....  | C.P.R.                 | Deux Rivières, Ont.....                                   |        | 14      |
| " 9915...    | Feb. 17....  | G.T.R.                 | Plessisville, Que.....                                    |        | 1       |
| " 9959...    | Mar. 28....  | C.N.R.                 | Brent Yard, Ont., Pembroke Subdivision.....               |        | 5       |
| " 9970...    | Apr. 1....   | G.T.R.                 | Barrie Station, Ont., just south.....                     |        | 18      |
| " 9975...    | Mar. 18....  | C.N.R.                 | Bedford, Man., 10 poles west of M.P. 384.....             |        | 2       |
| " 10002...   | Feb. 12....  | C.P.R.                 | Near Connaught, B.C., M.P. 79.....                        |        | 2       |
| " 10010...   | Apr. 16....  | G.T.R.                 | Montreal, Pt. St. Charles, Que.....                       |        | 1       |
| " 10048...   | Apr. 7....   | C.N.R.                 | Chinook, Alta., 2-3 miles east.....                       | 1      |         |
| " 10075...   | Apr. 22....  | C.N.R.                 | Mead, Sask.....   |        | 5       |
| " 10077...   | May 3....    | M.C.R.                 | Victoria Yard, Ont.....                                   |        | 1       |
| " 10080...   | May 14....   | N.St.C. &<br>T.        | Thorold, Ont., Pine Street.....                           |        | 10      |
| " 10122...   | May 21....   | G.T.R.                 | Kingston Jct., Ont., M.P. 171 East.....                   |        | 1       |
| " 10124...   | May 29....   | M.C.R.                 | Windsor, Ont.....   |        | 1       |
| " 10186...   | Apr. 28....  | Q.M. & S.              | St. Hyacinthe Yard, Que.....                              | 1      |         |
| " 10188...   | Mar. 28....  | C.N.R.                 | Edmonton Yard, Alta.....                                  |        | 1       |
| " 10222...   | July 1....   | G.T.R.                 | Newbury Yard, Ont.....                                    |        | 1       |
| " 10235...   | June 29....  | G.T.R.                 | Clarksons, Ont.....                                       |        | 1       |
| " 10253...   | July 8....   | C.N.R.                 | Capreol Yard, Ont.....                                    |        | 1       |
| " 10256...   | July 15....  | G.T.R.                 | London East, Ont.....                                     |        | 1       |
| " 10263...   | July 4....   | N.J.R.                 | Napierville Jct., Que.....                                | 2      | 1       |
| " 10392...   | Aug. 27....  | G.T.R.                 | Sarnia, Ont., near Plank Road Crossing.....               |        | 3       |
| " 10403...   | Aug. 22....  | C.N.R.                 | Southwood, Ont.....                                       |        | 1       |
| " 10426...   | July 6....   | G.T.R.                 | Ottawa, Ont., near Bank Street.....                       |        | 1       |
| " 10480...   | Aug. 2....   | C.N.R.                 | Big Valley Yard, Alta.....                                |        | 1       |
| " 10506...   | Sept. 4....  | C.N.R.                 | Saskatoon Yard, Sask.....                                 |        | 1       |
| " 10524...   | Sept. 22.... | C.N.R.                 | Winnipeg, Man., House Lead.....                           |        | 1       |
| " 10588...   | Sept. 30.... | C.P.R.                 | Tay, Ont.....   |        | 4       |
| " 10618...   | Oct. 1....   | G.T.R.                 | Junction Cut, Ont.....                                    |        | 1       |
| " 10653...   | Oct. 17....  | C.N.R.                 | Near St. Charles, Man.....                                | 1      | 1       |
| " 10682...   | Oct. 16....  | C.N.R.                 | Rainy River Yard, Ont., West side.....                    |        | 3       |
| " 10684...   | Oct. 19....  | C.N.R.                 | Brandon Jct., Man.....                                    |        | 3       |
| " 10740...   | Aug. 15....  | C.P.R.                 | 6 poles west of M.P. 5, White River Subdivision, Ont..... |        | 3       |
| " 10776...   | Nov. 2....   | C.N.R.                 | Near Kindersley, Sask.....                                |        | 1       |
| " 10830...   | Dec. 2....   | G.T.R.                 | Oro, Ont.....   |        | 1       |
| " 10846...   | Dec. 9....   | C.P.R.                 | Imperial Yard, Sask.....                                  |        | 2       |
| Total....    | 53           |                        |   | 8      | 139     |



SESSIONAL PAPER No. 20c

No. 8.—STATEMENT Showing Derailments Attended by Personal Injury Investigated During the Year Ending December 31, 1921.

| File       | Date     | Railway        | Place  | Killed | Injured |
|------------|----------|----------------|--|--------|---------|
| Inv. 9589. | Nov. 24  | G.T.R.         | Three-quarters of a mile west of Toronto, Ont            |        | 3       |
| " 9620     | Dec. 11  | C.P.R.         | McAdam Jet., Yard, N.B.                                  |        | 2       |
| " 9646     | Dec. 4   | C.P.R.         | Kirkella, Man  |        | 7       |
| " 9655     | Dec. 29  | C.N.R.         | Kinghorn, Ont., Mile 137, Long Lake Subdivision          |        | 1       |
| " 9658     | Dec. 1   | C.N.R.         | Jellicoe Yard, Ont                                       |        | 1       |
| " 9707     | Jan. 24  | C.P.R.         | Douglas, Ont., M.P. 9-5, Eganville Subdivision           |        | 1       |
| " 9741     | Jan. 18  | G.T.R.         | Southwork, Que. Montreal                                 |        | 1       |
| " 9761     | Feb. 2   | G.T.R.         | Beachville, Ont  |        | 1       |
| " 9797     | Feb. 16  | C.P.R.         | Domain, Man  |        | 2       |
| " 9875     | Feb. 12  | C.N.R.         | Big Valley Yard, Alta                                    |        | 1       |
| " 9889     | Feb. 21  | C.N.R.         | Bissell, Alta., 5 poles east                             |        | 8       |
| " 9891     | Feb. 7   | C.N.R.         | Fairlock, Ont  |        | 1       |
| " 9892     | Jan. 31  | C.N.R.         | Erith, Alta., M.P. 8-5, Lovett Subdivision               |        | 11      |
| " 9898     | Mar. 1   | C.N.R.         | Agate, Ont., 3 miles west                                |        | 1       |
| " 9916     | Feb. 28  | G.T.R.         | Montreal, Pt. St. Charles, Que.                          | 1      |         |
| " 9926     | Mar. 21  | C.P.R.         | Bradwardine, Man   |        | 1       |
| " 9956     | Mar. 19  | C.N.R.         | M.P. 76, Chester Subdivision                             |        | 1       |
| " 9957     | Mar. 1   | C.N.R.         | Bourg Louis, Que.  |        | 3       |
| " 9983     | Mar. 26  | C.P.R.         | Sintaluta, Sask., 2-5 miles west                         |        | 5       |
| " 9984     | Apr. 14  | C.P.R.         | Near Macklin, Alta., M.P. 65                             |        | 5       |
| " 10004    | Feb. 6   | C.N.R.         | Near Boothroyd, B.C., M.P. 113-7, Boston Bar Subdivision |        | 3       |
| " 10013    | Apr. 30  | C.N.R.         | Aekray, Ont., 3-2 miles east                             |        | 1       |
| " 10031    | Apr. 18  | C.N.R.         | Brandon, Man., M.P. 80-5, Kipling Subdivision            |        | 1       |
| " 10036    | Apr. 4   | C.N.R.         | Drumheller, Alta., M.P. 36-3, Drumheller Sub             |        | 1       |
| " 10039    | Feb. 10  | C.N.R.         | Butze, Alta  |        | 1       |
| " 10040    | Mar. 9   | C.N.R.         | Near Heffley, Alta., M.P. 127, Clearwater Subdivision    |        | 3       |
| " 10055    | Apr. 14  | C.P.R.         | M.P. 64, Three Rivers Subdivision, Que                   |        | 1       |
| " 10058    | Apr. 21  | C.P.R.         | Wynyard Subdivision, M.P. 104, Alta                      |        | 18      |
| " 10068    | May 12   | C.P.R.         | St. Bathelémy, Que., one-half mile east                  |        | 3       |
| " 10113    | May 29   | C.P.R.         | Lachine Canal, South Bank Branch, Que.                   | 2      |         |
| " 10117    | May 18   | C.N.R.         | Regina, Sask., C.P.R. transfer                           |        | 1       |
| " 10119    | May 21   | G.T.R.         | Campbellford, Ont., 3 miles east                         |        | 1       |
| " 10125    | June 6   | G.T.R.         | St. Pauls, Ont., 2 miles east                            |        | 1       |
| " 10136    | June 4   | G.T.R.         | Sherks, Ont., three-quarters of a mile east.             | 1      | 6       |
| " 10148    | Mar. 24  | C.N.R.         | Grant Brook, B.C.  |        | 2       |
| " 10154    | Apr. 29  | C.N.R.         | M.P. 48-5, Clearwater Subdivision, B.C.                  |        | 2       |
| " 10155    | Apr. 22  | C.N.R.         | M.P. 1687-4, Skeena Subdivision, B.C.                    |        | 2       |
| " 10179    | June 2   | C.N.R.         | Near Shaw, Alta  |        | 1       |
| " 10187    | June 14  | G.T.R.         | Nelles Corners, Ont., one mile west                      |        | 6       |
| " 10232    | June 14  | C.P.R.         | Kylemore, Sask.  | 1      | 1       |
| " 10238    | June 25  | C.N.R.         | Near Kelso, Sask.  |        | 1       |
| " 10273    | July 21  | C.N.R.         | Kukatush, Ont.   |        | 1       |
| " 10288    | July 13  | G.T.R.         | Madoc Jet., Ont., one-quarter mile west.                 | 1      | 2       |
| " 10292    | June 25  | G.T.R.         | Reaboro, Ont., three-quarters of a mile west             |        | 2       |
| " 10310    | July 9   | C.N.R.         | Near Cadomin, Alta                                       |        | 3       |
| " 10372    | Aug. 28  | C.P.R.         | Rutter, Ont., one mile south                             |        | 10      |
| " 10404    | Aug. 31  | N. St. C. & T. | St. Catharines, Ont., between Queenston and Calm Sts     | 1      |         |
| " 10439    | Sept. 13 | C.N.R.         | Near Shilo, Man  |        | 2       |
| " 10440    | Sept. 14 | C.N.R.         | Yarker, Ont  |        | 1       |
| " 10445    | Aug. 2   | C.N.R.         | Shaw, B.C., M.P. 7-5, Mountain Park Subdivision          |        | 1       |
| " 10476    | Aug. 13  | C.P.R.         | M.P. 104, Coronation Subdivision, Alta                   |        | 3       |
| " 10488    | Aug. 8   | G.T.R.         | Glenco, Ont., three-quarters of a mile east              |        | 1       |
| " 10523    | Sept. 20 | G.T.R.         | Stamford, Ont., three miles west                         |        | 1       |
| " 10544    | Oct. 2   | C.P.R.         | Grand Coules, Sask.                                      |        | 1       |
| " 10591    | Oct. 11  | G.T.R.         | Doreway, Ont., 10 poles north M.P. 7                     |        | 7       |
| " 10592    | Sept. 21 | C.N.R.         | Anerley, Sask., M.P. 93, Elrose Subdivision              |        | 1       |
| " 10603    | Oct. 14  | G.T.R.         | Chesley, Ont., one mile north                            |        | 2       |
| " 10610    | Sept. 19 | C.N.R.         | Martel, B.C.   |        | 1       |
| " 10657    | Oct. 22  | C.P.R.         | Chaplin Yard, Sask                                       |        | 1       |
| " 10661    | Nov. 5   | C.P.R.         | Pocahogan, N.B., three-quarter mile west                 |        | 3       |
| " 10673    | Oct. 26  | G.T.R.         | London, Ont., west end of No. 2 racecourse               |        | 1       |
| " 10723    | Oct. 16  | C.N.R.         | Dufresne, Man., M.P. 416 Sprague Subdivision             |        | 3       |
| " 10734    | Nov. 2   | C.N.R.         | Geikie, Alta   | 1      |         |
| " 10770    | Nov. 11  | C.N.R.         | Plumas, Man  |        | 2       |
| " 10771    | Oct. 21  | C.N.R.         | Near Venn, Sask  |        | 1       |
| " 10794    | Oct. 11  | C.N.R.         | Near Saunders, Alta                                      |        | 1       |
| " 10800    | Nov. 27  | C.N.R.         | Near Muir, Man   |        | 6       |
| " 10845    | Dec. 19  | C.P.R.         | Bridge 89-22, Neudorf Subdivision.                       |        | 2       |
| Total..68  |          |                |  | 8      | 171     |



No. 9. Statement Showing Highway Crossing Accidents Attended by Personal Injury Investigated During the Year Ending December 31, 1921.

| File      | Date    | Time       | Railway    | Place   | Killed | Injured | Protection  | Remarks          |
|-----------|---------|------------|------------|---|--------|---------|-------------|------------------|
| Inv. 9586 | Dec. 16 | 1.17 p.m.  | G.T.R.     | St. Marys, Ont., Elgin street.                                      |        | 1       | Bell        | Automobile       |
| " 9587    | Dec. 4  | 9 10 a.m.  | C.P.R.     | Galt, Ont., Clyde road.   | 1      |         | Unprotected | Automobile       |
| " 9590    | Nov. 11 | 8 55 a.m.  | G.T.R.     | Clinton, Ont., London road crossing.                                |        | 1       | Unprotected | Horse and rig    |
| " 9591    | Dec. 17 | 2 10 p.m.  | G.T.R.     | Chelph, Ont., Glasgow street crossing.                              |        | 1       | Unprotected | Automobile       |
| " 9593    | Dec. 14 | 9 37 a.m.  | C.P.R.     | Quebec, Que., Crown street crossing.                                |        | 1       | Gates       | Pedestrian       |
| " 9594    | Dec. 6  |            | C.P.R.     | Lachute, Que., Princess St., Third crossing west.                   |        | 1       | Bell        | Horse and rig    |
| " 9614    | Dec. 23 | 1 15 p.m.  | H.R.E.     | Oakville, Ont., Randall street crossing.                            |        | 1       | Unprotected | Automobile       |
| " 9622    | Dec. 16 | 8 12 p.m.  | C.N.R.     | Fort Saskatchewan, Sask., Ross street crossing.                     |        | 1       | Unprotected | Automobile       |
| " 9624    | Dec. 15 | 4 30 p.m.  | T.G.R.     | Toronto, Ont., Eglinton avenue.                                     |        | 1       | Bell        | Automobile       |
| " 9626    | Jan. 1  | 10.55 a.m. | G.T.R.     | Elia, Ont., 11th Dist., first public road crossing south.           | 1      | 2       | Unprotected | Automobile       |
| " 9627    | Jan. 4  | 9 15 a.m.  | C.P.R.     | Toronto, Ont., Mill street crossing.                                |        | 1       | Unprotected | Motor truck      |
| " 9630    | Oct. 18 | 1 55 p.m.  | C.N.R.     | Kelwood, Man., first crossing south.                                |        | 1       | Unprotected | Automobile       |
| " 9636    | Jan. 4  | 7 15 a.m.  | C.P.R.     | Islington Ont., Dundas street crossing.                             |        | 1       | Unprotected | Motor truck      |
| " 9643    | Dec. 22 | 5 15 p.m.  | C.P.R.     | Coleman, Alta., crossing at east end of yard.                       | 1      |         | Unprotected | Pedestrian       |
| " 9647    | Nov. 28 | 8 45 p.m.  | C.P.R.     | Carberry, Man., first crossing west.                                |        | 1       | Unprotected | Automobile       |
| " 9648    | Oct. 23 | 8 45 a.m.  | C.N.R.     | Martinville, Man., crossing west of west switch.                    |        | 1       | Unprotected | Automobile       |
| " 9663    | Jan. 5  | 11 20 p.m. | G.T.R.     | Hamilton, Ont., Lottridge street.                                   | 1      | 1       | Unprotected | Automobile       |
| " 9672    | Jan. 6  | 5 00 p.m.  | G.T.R.     | Thamesville, Ont., first crossing east.                             | 1      |         | Bell        | Automobile       |
| " 9677    | Dec. 15 | 2 47 p.m.  | G.T.R.     | Colborne, Ont., Ontario street, first crossing west.                |        | 1       | Unprotected | Automobile       |
| " 9679    | Dec. 30 | 12 09 p.m. | G.T.R.     | Peterboro, Ont., George street.                                     |        | 1       | Unprotected | Pedestrian       |
| " 9680    | Nov. 8  | 12 55 a.m. | C.N.R.     | Barwick, Ont., first crossing east.                                 | 1      |         | Unprotected | Pedestrian       |
| " 9681    | Nov. 9  | 6 35 a.m.  | C.P.R.     | Port Arthur, Ont., Manitou street.                                  |        | 1       | Unprotected | Pedestrian       |
| " 9687    | Jan. 5  | 1 40 p.m.  | C.P.R.     | Nanton, Alta., Marshall street, first crossing north.               | 1      |         | Unprotected | Automobile       |
| " 9689    | Oct. 7  | 3 00 p.m.  | C.N.R.     | Lashburn, Alta., crossing east of station.                          |        | 1       | Unprotected | Pedestrian       |
| " 9690    | Jan. 6  | 4 50 p.m.  | C.N.R.     | Harrowsmith, Ont., crossing 1 1/2 miles west.                       |        | 2       | Unprotected | Horse and rig    |
| " 9695    | Jan. 7  | 10.00 a.m. | C.P.R.     | Mile 409, Que., crossing known as Cap St. Martin, Three Rivers sub. |        |         | Unprotected |                  |
| " 9697    | Jan. 18 | 11 10 a.m. | G.T.R.     | Ottawa, Ont., Rochester street.                                     |        | 2       | Bell        | Horse and rig    |
| " 9698    | Dec. 23 | 9 45 a.m.  | T. H. & B. | Summit Station, Ont., Second road crossing N-E.                     | 1      |         | Bell        | Pedestrian       |
| " 9710    | Jan. 15 | 6 50 p.m.  | C.P.R.     | Renfrew, Ont., Hall street.   |        | 1       | Unprotected | Motor truck      |
| " 9718    | Jan. 24 | 4 15 p.m.  | C.P.R.     | Toronto, Ont., Eastern avenue crossing.                             | 1      |         | Unprotected | Horse and rig    |
| " 9734    | Jan. 27 | 7 05 a.m.  | G.T.R.     | Niagara Falls, Ont., Stone road crossing.                           |        | 1       | Gates       | Motor truck      |
| " 9736    | Jan. 27 | 4 23 p.m.  | G.T.R.     | Munice, Ont., Kipling Avenue.                                       |        | 2       | Unprotected | Motor truck      |
| " 9733    | Jan. 9  | 10 22 a.m. | C.P.R.     | Sturgeon Falls, Ont., Nipissing street.                             |        | 2       | Watchman    | Automobile       |
| " 9775    | Jan. 11 |            | C.P.R.     | Stickney, N.B., crossing one mile north.                            | 1      | 1       | Unprotected | Horse and cutter |
| " 9779    | Jan. 24 | 4 00 p.m.  | C.N.R.     | Selater, Man., crossing east of.                                    |        | 1       | Unprotected | Horse and rig    |
| " 9790    | Jan. 24 | 12 04 p.m. | C.N.R.     | Rockland, Ont., public crossing east.                               |        | 1       | Unprotected | Horse and sleigh |
| " 9798    | Feb. 19 | 9 20 a.m.  | C.P.R.     | Carleton Place, Ont., Franktown road crossing.                      |        | 1       | Unprotected | Pedestrian       |
| " 9814    | Feb. 2  | 10.20 a.m. | G.T.R.     | Rockwood, Ont., first crossing one mile east.                       |        | 5       | Bell        | Automobile       |
| " 9815    | Feb. 3  | 4 45 p.m.  | G.T.R.     | Beaverton, Ont., crossing just west.                                |        | 1       | Unprotected | Horse and rig    |
|           |         |            |            |   |        | 1       | Unprotected | Automobile       |



SESSIONAL PAPER No. 20c

|       |        |    |            |           |  |   |             |                  |
|-------|--------|----|------------|-----------|--|---|-------------|------------------|
| 9820  | 1 Feb. | 25 | 1 15 p.m.  | C.P.R.    | Victoria Harbour, Ont., Lake shore crossing          | 1 | Unprotected | Automobile       |
| 9831  | Jan.   | 6  | 11 35 a.m. | C.P.R.    | Rosetown, Sask., first crossing north                | 1 | Unprotected | Automobile       |
| 9832  | Dec.   | 23 | 9 10 a.m.  | C.P.R.    | Wilcox, Sask., first crossing north                  | 1 | Unprotected | Horse and rig    |
| 9833  | Jan.   | 15 |            | C.P.R.    | Pumping Lake, Man., first crossing north             | 1 | Unprotected | Horse and rig    |
| 9834  | Feb.   | 12 | 11 19 a.m. | C.H. & B. | Silverdale, Ont., first crossing east                | 1 | Unprotected | Horse and rig    |
| 9835  | Feb.   | 17 | 11 25 a.m. | C.N.R.    | Stalwart, Sask., first crossing north                | 1 | Unprotected | Horse and rig    |
| 9841  | Mar.   | 7  | 2 05 p.m.  | C.N.R.    | Beachburg, Ont., Government road crossing            | 1 | Unprotected | Horse and sleigh |
| 9851  | Jan.   | 26 | 5 25 p.m.  | C.N.R.    | Regina, Sask., Eighth avenue crossing                | 1 | Unprotected | Automobile       |
| 9857  | Feb.   | 4  | 2 00 p.m.  | C.P.R.    | Winnipeg, Man., Selkirk avenue                       | 2 | Unprotected | Motor truck      |
| 9861  | Mar.   | 7  | 4 55 p.m.  | B. & H.P. | Hamilton, Ont., High street crossing                 | 1 | Unprotected | Pedestrian       |
| 9862  | Feb.   | 19 | 4 03 p.m.  | C.P.R.    | Lachute, Que., Princess street crossing              | 1 | Unprotected | Horse and sleigh |
| 9870  | Jan.   | 29 | 7 15 a.m.  | C.N.R.    | Regina, Sask., Seventh avenue crossing               | 1 | Unprotected | Auto truck       |
| 9871  | Feb.   | 18 | 4 00 p.m.  | C.N.R.    | Fort Frances, Ont., Victoria avenue                  | 1 | Unprotected | Horse and sleigh |
| 9903  | Mar.   | 1  | 5 21 p.m.  | C.P.R.    | Beaconfield, Que., first crossing east               | 1 | Unprotected | Automobile       |
| 9911  | Mar.   | 1  | 12 15 p.m. | C.P.R.    | Montreal, Richmond street crossing                   | 1 | Gates       | Pedestrian       |
| 9929  | Mar.   | 24 | 1 18 p.m.  | M.C.R.    | Millsonburg, Ont., second crossing west              | 1 | Unprotected | Automobile       |
| 9976  | Feb.   | 9  | 9 30 a.m.  | C.N.R.    | Pine Lake, Man., crossing 4 2 miles north            | 1 | Unprotected | Horse and cutter |
| 9990  | Mar.   | 26 | 11 10 a.m. | C.P.R.    | West Toronto, Ont., Weston road crossing             | 1 | Gates       | Pedestrian       |
| 10016 | April  | 26 | 11 15 a.m. | C.P.R.    | Lynden, Ont., crossing just east of station          | 1 | Unprotected | Pedestrian       |
| 10025 | Mar.   | 26 | 4 45 a.m.  | C.P.R.    | Hamilton, Ont., Beach road crossing                  | 1 | Unprotected | Automobile       |
| 10027 | April  | 8  | 3 45 p.m.  | C.P.R.    | Toronto, Ont., Cherry street                         | 1 | Unprotected | Motor truck      |
| 10029 | April  | 24 | 3 45 p.m.  | C.P.R.    | Casselman, Ont., First street crossing               | 1 | Unprotected | Pedestrian       |
| 10039 | April  | 6  | 11 55 a.m. | C.P.R.    | Calgary, Alta., Eleventh street east                 | 1 | Unprotected | Horse and rig    |
| 10040 | April  | 6  | 10 15 a.m. | C.P.R.    | Calgary, Alta., crossing in Altham yard              | 1 | Unprotected | Motor truck      |
| 10057 | May    | 10 | 11 03 p.m. | C.P.R.    | Lacelle, Que., King Edward Highway, west end         | 3 | Unprotected | Automobile       |
| 10067 | May    | 14 | 6 05 p.m.  | C.P.R.    | London, Ont., Hale street                            | 1 | Unprotected | Pedestrian       |
| 10074 | April  | 21 | 9 45 p.m.  | N.E.R.    | Lacelle, Que., first crossing, 1 1/2 miles north     | 3 | Unprotected | Automobile       |
| 10078 | May    | 5  | 1 10 p.m.  | C.P.R.    | Loxwaten, Man., public crossing half mile east       | 1 | Unprotected | Automobile       |
| 10080 | May    | 24 | 4 05 p.m.  | C.P.R.    | Streetsville, Ont., Queen street crossing            | 1 | Unprotected | Motor truck      |
| 10097 | May    | 29 | 2 19 p.m.  | C.P.R.    | Galt, Ont., Preston road crossing                    | 1 | Unprotected | Automobile       |
| 10100 | May    | 6  | 7 40 a.m.  | C.P.R.    | Charney, Que., Fontaine crossing                     | 1 | Unprotected | Horse and rig    |
| 10105 | June   | 4  | 10 15 a.m. | C.P.R.    | Carleton Place, Ont., first crossing south           | 2 | Unprotected | Automobile       |
| 10110 | May    | 31 | 2 05 p.m.  | C.P.R.    | Montreal, Que., Desmarcelles street                  | 1 | Gates       | Pedestrian       |
| 10120 | May    | 30 | 9 55 a.m.  | C.P.R.    | Campbellford, Ont., Hopewell crossing, Third east    | 1 | Unprotected | Horse and rig    |
| 10127 | June   | 4  | 7 55 a.m.  | C.P.R.    | Mimico, Ont., Queen street                           | 1 | Unprotected | Motor truck      |
| 10130 | May    | 9  | 5 05 p.m.  | B. & N.   | Cobble Hill, B.C., crossing just south of station    | 1 | Unprotected | Automobile       |
| 10138 | June   | 6  | 12 15 a.m. | C.P.R.    | Burlington, Ont., Brant Hotel crossing               | 4 | Unprotected | Automobile       |
| 10144 | June   | 27 | 2 02 p.m.  | C.P.R.    | St. Thérèse, Que., crossing one mile north           | 1 | Unprotected | Horse and rig    |
| 10145 | June   | 27 | 1 30 p.m.  | C.P.R.    | St. Gabriel, Blanche street crossing                 | 1 | Unprotected | Pedestrian       |
| 10146 | Dec.   | 7  | 10 45 a.m. | C.N.R.    | Montmonecy Mills, St. François crossing              | 1 | Unprotected | Horse and rig    |
| 10167 | April  | 30 | 5 40 p.m.  | C.P.R.    | Lynton station, first crossing west                  | 1 | Unprotected | Motor truck      |
| 10172 | May    | 20 | 11 55 a.m. | C.P.R.    | Near station, Alta., first crossing east             | 3 | Unprotected | Horse and rig    |
| 10173 | June   | 13 | 3 40 p.m.  | C.P.R.    | Laquer, Ont., second crossing west                   | 1 | Unprotected | Horse and rig    |
| 10174 | June   | 22 | 3 32 p.m.  | C.P.R.    | Aultsville, Ont., crossing half mile east of station | 1 | Unprotected | Horse and rig    |
| 10175 | June   | 13 | 1 45 p.m.  | C.P.R.    | Ostrander, Ont., crossing one mile from              | 1 | Unprotected | Automobile       |
| 10176 | June   | 23 | 11 10 a.m. | C.P.R.    | Ingall, Ont., King street crossing                   | 1 | Unprotected | Auto truck       |
| 10179 | June   | 18 | 8 55 a.m.  | C.P.R.    | Chen Roberton, Ont., crossing two miles east         | 1 | Unprotected | Horse and rig    |
| 10177 | June   | 9  | 2 24 p.m.  | M.C.R.    | Nasota Falls, Ont., Huron street                     | 1 | Unprotected | Automobile       |
| 10184 | June   | 11 | 10 10 a.m. | C.P.R.    | Galt, Main street                                    | 2 | Unprotected | Automobile       |
| 10191 | July   | 22 | 8 19 a.m.  | C.P.R.    | Woodstock, Ont., Dundas street crossing              | 1 | Unprotected | Motor truck      |



No. 9.—STATEMENT Showing Highway Crossing Accidents Attended by Personal Injury Investigated During the Year Ending December 31, 1921.—Continued.

| File       | Date    | Time       | Railway        | PLACE  | Killed | Injured | Protection  | Remarks       |
|------------|---------|------------|----------------|--|--------|---------|-------------|---------------|
| Inv. 10192 | June 25 | 1 00 p.m.  | C.P.R.         | Calgary, Alta., Fourth street crossing               | 1      | -       | Unprotected | Pedestrian    |
| " 10207    | June 29 | 1 30 p.m.  | C.P.R.         | Fincastle, Alta., crossing two miles east            | 1      | -       | Unprotected | Automobile    |
| " 10208    | June 30 | 2 43 p.m.  | C.P.R.         | Blairmore, Alta., first crossing east of station     | -      | 1       | Unprotected | Motor truck   |
| " 10214    | June 29 | 10 56 a.m. | G.T.R.         | River Beaudette, Que., first crossing east           | 1      | -       | Unprotected | Horse and rig |
| " 10218    | June 30 | 3 30 p.m.  | G.T.R.         | Prescott, Ont., third crossing east                  | 1      | -       | Unprotected | Horse and rig |
| " 10226    | July 9  | 10 00 p.m. | G.T.R.         | Camperdown, Ont., first crossing south               | 1      | -       | Unprotected | Horse and rig |
| " 10244    | May 31  | 5 30 p.m.  | C.N.R.         | Calder Yards, Alta., St. Albert Trail crossing       | -      | 2       | Unprotected | Automobile    |
| " 10258    | June 29 | 5 40 p.m.  | C.P.R.         | Gibbs, Sask., first crossing south                   | -      | 3       | Unprotected | Automobile    |
| " 10259    | June 8  | 5 00 p.m.  | C.P.R.         | Francis, Sask., first crossing north of station      | -      | 2       | Unprotected | Automobile    |
| " 10260    | July 6  | 5 36 p.m.  | C.P.R.         | Parkbeg, Sask., first crossing east                  | 2      | -       | Unprotected | Automobile    |
| " 10262    | July 5  | 6 30 p.m.  | C.N.R.         | Edmonton, Alta., Kinistine Avenue crossing           | -      | 1       | Unprotected | Pedestrian    |
| " 10264    | July 3  | 8 30 p.m.  | G.T.R.         | Dunnville, Ont., Wheatleys Crossing                  | 2      | 3       | Unprotected | Automobile    |
| " 10269    | June 25 | 12 50 p.m. | N.Sc. & T.     | Niagara-on-the-Lake, crossing at stop 64             | -      | 2       | Unprotected | Automobile    |
| " 10276    | July 2  | 3 55 p.m.  | C.P.R.         | Lorette, Que., crossing at mileage 152               | -      | 1       | Unprotected | Motor truck   |
| " 10277    | July 1  | 5 30 p.m.  | C.N.R.         | Homewood, Man., crossing 450 feet west               | -      | 3       | Unprotected | Automobile    |
| " 10278    | July 3  | 8 02 p.m.  | C.P.R.         | Delson, Que., first crossing south                   | 3      | 1       | Unprotected | Automobile    |
| " 10289    | July 9  | 4 00 p.m.  | G.T.R.         | Brantford, Ont.                                      | 1      | -       | Unprotected | Automobile    |
| " 10303    | July 21 | 5 20 p.m.  | B. & H.        | Cainsville, Ont., Stone Road crossing                | -      | 1       | Unprotected | Pedestrian    |
| " 10304    | July 16 | 2 50 p.m.  | C.N.R.         | Gameridge, Ont., crossing 335 feet north             | 1      | -       | Unprotected | Horse and rig |
| " 10317    | July 29 | 7 40 a.m.  | C.P.R.         | Fady, Ont., second crossing north                    | -      | 1       | Unprotected | Automobile    |
| " 10321    | May 11  | 8 20 p.m.  | C.N.R.         | South Western Jet., N.S., Byers crossing             | -      | 1       | Unprotected | Pedestrian    |
| " 10322    | July 29 | 10 50 a.m. | C.P.R.         | Carleton Place, Ont., crossing 3 miles west          | 1      | -       | Unprotected | Horse and rig |
| " 10328    | Aug. 11 | 9 50 a.m.  | G.T.R.         | Oakville, Ont., 9th line crossing; third east        | -      | 2       | Unprotected | Automobile    |
| " 10338    | July 11 | 9 22 a.m.  | C.P.R.         | St. Thérèse, Que., Matté crossing                    | 1      | 1       | Unprotected | Motor truck   |
| " 10346    | Aug. 23 | 9 45 a.m.  | G.T.R.         | Thorndale, Ont., Main street crossing                | -      | 1       | Bell        | Motor truck   |
| " 10351    | Aug. 8  | 7 50 p.m.  | G.T.R.         | Dorval, Que., crossing at station                    | -      | 2       | Giates      | Automobile    |
| " 10354    | July 15 | 7 12 a.m.  | N. St. C. & T. | St. Catharines, Ont., Welland avenue crossing        | 1      | -       | Bell        | Pedestrian    |
| " 10377    | Aug. 20 | 12 00 a.m. | T.H. & B.      | Mineral Springs, Ont., First Governors road crossing | -      | 1       | Unprotected | Automobile    |
| " 10385    | July 23 | 8 30 p.m.  | G.T.R.         | Port Colborne, Ont., Catherine street crossing       | -      | 1       | Unprotected | Pedestrian    |
| " 10386    | Aug. 24 | 5 20 p.m.  | H.R.F.         | Irondale, Ont., Harrisons crossing                   | -      | 1       | Unprotected | Automobile    |
| " 10388    | July 31 | 5 16 p.m.  | C.N.R.         | Haultain, Sask., crossing 4 poles south              | -      | 1       | Unprotected | Automobile    |
| " 10391    | Aug. 1  | 4 40 p.m.  | M.C.R.         | Alvinston, Ont., first crossing east                 | -      | 1       | Unprotected | Automobile    |
| " 10393    | Aug. 23 | 12 11 p.m. | H.R.E.         | Hamilton, Ont., Birmingham avenue crossing           | -      | 2       | Unprotected | Automobile    |
| " 10405    | July 20 | 11 31 a.m. | C.P.R.         | Arcola, Sask., first crossing west                   | 1      | 3       | Unprotected | Automobile    |
| " 10408    | July 30 | 10 35 a.m. | C.V.R.         | Granby, Que., second crossing two miles south        | -      | -       | Unprotected | Pedestrian    |
| " 10409    | July 28 | 3 55 p.m.  | N.J.R.         | Napierville, Que., crossing 2 mile north             | -      | 1       | Unprotected | Automobile    |
| " 10410    | Sept. 1 | 9 35 a.m.  | G.T.R.         | Kitchener, Ont., Waterloo street crossing            | -      | 1       | Unprotected | Pedestrian    |
| " 10430    | Aug. 24 | 9 53 a.m.  | G.T.R.         | Mt. Dennis, Ont., Fifth avenue crossing              | -      | 2       | Unprotected | Automobile    |
| " 10434    | Sept. 7 | 2 50 p.m.  | G.T.R.         | Bracebridge, Ont., second crossing south             | -      | 4       | Unprotected | Automobile    |
| " 10437    | Aug. 30 | 8 00 a.m.  | G.T.R.         | Montreal, Que., Blue Bonnets crossing                | -      | 1       | Unprotected | Motor cycle   |



|   |       |          |            |               |  |   |   |             |               |
|---|-------|----------|------------|---------------|--|---|---|-------------|---------------|
| " | 10457 | Sept. 13 | 7.30 a.m.  | G.T.R.        | Stratford, Ont., second crossing west of.....              | 1 | - | Unprotected | Automobile    |
| " | 10461 | Aug. 14  | 9.19 p.m.  | C.P.R.        | Beausejour, Man., first crossing west of station.....      | - | 1 | Unprotected | Automobile    |
| " | 10467 | Aug. 16  | 3.30 p.m.  | C.N.R.        | Capreol, Ont., Yonge street crossing.....                  | - | 1 | Unprotected | Automobile    |
| " | 10472 | Aug. 30  | 9.38 a.m.  | C.N.R.        | Lamont, Alta., crossing at m.p. 788.....                   | - | 2 | Unprotected | Automobile    |
| " | 10489 | Sept. 20 | 9.53 p.m.  | C.P.R.        | Mileage 7-7, Galt subdivision, Dundas street crossing..... | 1 | 3 | Bell        | Automobile    |
| " | 10492 | July 21  | 1.42 p.m.  | C.P.R.        | Westfield Jet., second crossing east.....                  | - | 1 | Bell        | Automobile    |
| " | 10498 | Sept. 11 | 5.68 p.m.  | C.P.R.        | Quebec, Que., St. Valin street crossing.....               | - | 1 | Gates       | Pedestrian    |
| " | 10500 | Sept. 23 | 7.07 p.m.  | L.E. & N.     | M.P. 503, Ont., McRae's crossing.....                      | 1 | - | Unprotected | Automobile    |
| " | 10508 | Aug. 18  | 3.05 p.m.  | C.N.R.        | Pelly, Sask., crossing 250 yards west.....                 | - | 1 | Unprotected | Automobile    |
| " | 10533 | Sept. 1  | 7.13 a.m.  | C.P.R.        | Rock Forest, Que., first crossing east.....                | 1 | 4 | Unprotected | Automobile    |
| " | 10537 | Aug. 29  | 6.45 p.m.  | G.T.R.        | Guelph Jet., Liverpool street crossing.....                | - | 1 | Unprotected | Automobile    |
| " | 10538 | Oct. 3   | 10.38 a.m. | G.T.R.        | Courtland, Ont., Talbot Road crossing.....                 | 3 | 1 | Bell        | Automobile    |
| " | 10541 | Oct. 1   | 10.30 p.m. | G.T.R.        | Brantford, Ont., West street crossing.....                 | 1 | - | Gates       | Pedestrian    |
| " | 10562 | Oct. 7   | 3.32 p.m.  | G.T.R.        | Grimmsby, Ont., second crossing west.....                  | 2 | 1 | Bell        | Automobile    |
| " | 10563 | Sept. 24 | 12.20 p.m. | G.T.R.        | Toronto, Ont., Royce avenue.....                           | - | 1 | Gates       | Pedestrian    |
| " | 10564 | Sept. 18 | 1.19 p.m.  | G.T.R.        | Eastwood, Ont., Governors Road crossing.....               | - | 1 | Unprotected | Automobile    |
| " | 10566 | Sept. 28 | 9.55 p.m.  | G.T.R.        | Burlington Beach, Ont., Beach Road crossing.....           | - | 1 | Unprotected | Automobile    |
| " | 10569 | Sept. 24 | 6.15 p.m.  | C.N.R.        | Loretteville, Que., St. Charles crossing.....              | 1 | - | Unprotected | Automobile    |
| " | 10575 | Aug. 20  | 2.52 p.m.  | G.T.R.        | Lennoxville, Que., Massawippi crossing.....                | 1 | 1 | Unprotected | Automobile    |
| " | 10576 | July 11  | 10.02 a.m. | B. & M.       | Rock Island, Que., first crossing north.....               | 1 | - | Unprotected | Pedestrian    |
| " | 10577 | Oct. 3   | 9.00 a.m.  | G.T.R.        | Kitchener, Ont., Weber street crossing.....                | 1 | - | Unprotected | Auto truck    |
| " | 10579 | Oct. 9   | 9.50 a.m.  | C.P.R.        | Mount Dennis, Ont., Craydon avenue crossing.....           | 1 | - | Unprotected | Auto truck    |
| " | 10583 | Oct. 6   | 5.10 p.m.  | Osh.          | Oshawa, Ont., King and Ritson road.....                    | - | 4 | Unprotected | Automobile    |
| " | 10585 | Oct. 6   | 5.10 p.m.  | C.P.R.        | Myrtle, Ont., Raglan Road crossing.....                    | - | 1 | Unprotected | Automobile    |
| " | 10594 | Sept. 13 | 5.45 p.m.  | G.T.R.        | Montreal, Que., St. Philippe street crossing.....          | - | 1 | Gates       | Pedestrian    |
| " | 10595 | Oct. 14  | 8.50 a.m.  | G.T.R.        | Montreal, Decourcelles street crossing.....                | - | 1 | Gates       | Horse and rig |
| " | 10596 | Oct. 14  | 1.15 p.m.  | G.T.R.        | Marshville, Ont., first crossing east.....                 | - | 1 | Unprotected | Auto truck    |
| " | 10598 | Oct. 7   | 10.13 a.m. | N. St.C. & T. | Niagara Falls, Ont., Stanley street crossing.....          | - | 1 | Unprotected | Automobile    |
| " | 10599 | Oct. 9   | 1.55 p.m.  | C.P.R.        | Alexander, Man., third crossing west.....                  | - | 4 | Unprotected | Pedestrian    |
| " | 10602 | Oct. 14  | 11.55 a.m. | C.P.R.        | Glasdton, Man., first crossing west.....                   | - | 1 | Unprotected | Automobile    |
| " | 10641 | Oct. 8   | 12.54 p.m. | C.P.R.        | Iberville Jet., Que., first crossing south.....            | - | 1 | Unprotected | Horse and rig |
| " | 10644 | Oct. 27  | 11.32 a.m. | T.H. & B.     | Coyle, Ont., River road crossing.....                      | - | 1 | Bell        | Automobile    |
| " | 10662 | Oct. 20  | 10.20 a.m. | M.C.R.        | Charing Cross, Ont., crossing east of station.....         | - | 1 | Unprotected | Pedestrian    |
| " | 10664 | Oct. 21  | 6.22 p.m.  | B. & H.       | Hamilton, Ont., Park and Main streets.....                 | - | 1 | Unprotected | Automobile    |
| " | 10669 | Oct. 19  | 4.00 p.m.  | C.N.R.        | Preceville, Man., crossing one-half mile east.....         | - | 2 | Unprotected | Automobile    |
| " | 10678 | Oct. 23  | 2.05 p.m.  | B. & H.E.     | Langford Siding, Ont., crossing west of.....               | - | 3 | Unprotected | Automobile    |
| " | 10683 | Oct. 11  | 9.00 a.m.  | C.N.R.        | Kylemore, Sask., crossing two miles west.....              | - | 1 | Unprotected | Horse and rig |
| " | 10685 | Oct. 25  | 10.57 a.m. | C.P.R.        | Vaudreuil, Que., Lake Shore crossing.....                  | - | 1 | Gates       | Horse and rig |
| " | 10687 | Oct. 5   | 1.50 p.m.  | C.N.R.        | Pointe aux Trembles, Broadway street crossing.....         | 1 | - | Unprotected | Automobile    |
| " | 10694 | Oct. 29  | 12.05 a.m. | C.P.R.        | Agincourt, Ont., first crossing west.....                  | - | 1 | Unprotected | Automobile    |
| " | 10695 | Nov. 8   | 5.35 a.m.  | C.P.R.        | Kendry, Ont., public crossing at.....                      | - | 1 | Unprotected | Automobile    |
| " | 10700 | Nov. 5   | 9.37 a.m.  | G.T.R.        | Arnprior, Ont., John street crossing.....                  | - | 1 | Unprotected | Motor truck   |
| " | 10701 | Nov. 11  | 9.50 a.m.  | G.T.R.        | Vineland, Ont., first public road crossing west.....       | - | 1 | Unprotected | Automobile    |
| " | 10705 | Aug. 20  | 1.30 p.m.  | C.P.R.        | Belleville, Ont., Kingston Road crossing.....              | 1 | - | Bell        | Automobile    |
| " | 10714 | Oct. 5   | 10.55 a.m. | C.N.R.        | Quill Lake, Sask., public crossing west.....               | 1 | - | Bell        | Horse and rig |
| " | 10716 | Oct. 17  | 11.53 a.m. | C.N.R.        | Saskatoon, Sask., Avenue "9" south.....                    | - | 2 | Unprotected | Automobile    |
| " | 10719 | Oct. 25  | 12.08 p.m. | G.T.R.        | Danville, Que., second crossing one mile west.....         | - | 1 | Unprotected | Motor truck   |
| " | 10731 | Oct. 31  | 4.16 p.m.  | C.P.R.        | Mile End, Que., St. Hubert street crossing.....            | - | 1 | Unprotected | Horse and rig |
| " | 10525 | Aug. 26  | 11.43 a.m. | M.C.R.        | Leamington, Ont., crossing 1½ miles north.....             | 1 | - | Gates       | Automobile    |
| " | 10319 | July 30  | 2.40 p.m.  | G.T.R.        | Toronto, Ont., George street crossing.....                 | 1 | - | Unprotected | Motor truck   |
|   |       |          |            |               |  | 1 | - | Watchman    | Horse and rig |



No. 9.—STATEMENT Showing Highway Crossing Accidents Attended by Personal Injury Investigated During the Year Ending December 31, 1921.—Concluded.

| File      | Date    | Time       | Railway | PLACE  | Killed | Injured | Protection  | Remarks       |
|-----------|---------|------------|---------|--|--------|---------|-------------|---------------|
| Ex. 10318 | Aug. 9  | 10 45 p.m. | C.P.R.  | Alliston, Ont., Victoria street crossing.....      | -      | 2       | Bell        | Automobile    |
| " 9661    | April 4 | 11 20 a.m. | M.C.R.  | Shedden, Ont., first crossing west of station..... | 1      | -       | Unprotected | Automobile    |
| " 10773   | Oct. 19 | 3 40 p.m.  | C.P.R.  | Three Rivers, Que., Plaisance street crossing..... | 1      | -       | Unprotected | Pedestrian    |
| " 10803   | Nov. 22 | 2 50 p.m.  | P.M.R.  | Walkerville, Ont., Edna street crossing.....       | 1      | 2       | Unprotected | Automobile    |
| " 10811   | Dec. 1  | 11 57 a.m. | C.P.R.  | Cavan, Ont., crossing half-mile west.....          | 1      | -       | Unprotected | Horse and rig |
| " 10813   | Dec. 4  | 9 10 a.m.  | G.T.R.  | Ingersoll St., Ont., Wingham street crossing.....  | -      | 1       | Unprotected | Horse and rig |
| " 10818   | Dec. 6  | 5 45 p.m.  | C.P.R.  | Toronto, Ont., Lansdowne avenue.....               | -      | 1       | Gates       | Pedestrian    |
| " 10834   | Dec. 15 | 5 52 p.m.  | C.P.R.  | Toronto, Ont., Royce avenue.....                   | -      | 1       | Gates       | Pedestrian    |
| " 10835   | Nov. 10 | 9 48 a.m.  | C.P.R.  | Neepawa, Man., second crossing east.....           | -      | 1       | Unprotected | Automobile    |
| " 10844   | Dec. 7  | 11 06 a.m. | G.T.R.  | South Indian, Ont., first crossing east.....       | -      | 2       | Unprotected | Horse and rig |
| Total 189 |         |            |         |  | 68     | 209     |             |               |



No. 10.—STATEMENT Showing Accidents to Employees while Working on or under Engines, Investigated During the Year Ending December 31, 1921.

| File      | Date    | Railway | Place   | Remarks   | Kill-<br>ed | In-<br>jured |
|-----------|---------|---------|---|---|-------------|--------------|
| Inv. 9584 | Dec. 24 | C.P.R.  | Merrickville, Ont., 100 yards east of station | Fell off engine                                   | 1           | 1            |
| " 9603    | Dec. 21 | Wabash  | Thamesville, Ont.                             | Caught finger between shaker bar and water box    | 1           | 1            |
| " 9607    | Dec. 20 | G.T.R.  | Dundas, Ont., three miles west                | Tube of engine burst                              | 1           | 1            |
| " 9609    | Dec. 23 | C.N.R.  | Winnipeg, Man., Union Station                 | Water glass burst                                 | 1           | 1            |
| " 9617    | Dec. 13 | C.N.R.  | Scott ford, Alta.                             | Squirt hose become disconnected                   | 1           | 1            |
| " 9633    | Jan. 4  | G.T.R.  | London, Ont.                                  | Shaking grates                                    | 1           | 1            |
| " 9634    | Dec. 29 | G.T.R.  | Parkdale, Ont.                                | Finger caught between shaker bar and firebox door | 1           | 1            |
| " 9637    | Dec. 23 | G.T.R.  | Toronto, Ont., Union Station                  | Shaking grates                                    | 1           | 1            |
| " 9638    | Dec. 25 | G.T.R.  | Toronto shop truck, Ont.                      | Fell off engine                                   | 1           | 1            |
| " 9653    | Nov. 11 | C.N.R.  | Elkstone, Ont.                                | Nipple blew off squirt hose                       | 1           | 1            |
| " 9654    | Jan. 12 | C.N.R.  | Dorion, Ont.                                  | Shaking grates                                    | 1           | 1            |
| " 9657    | Dec. 11 | C.N.R.  | Between Hecarth and McKirdy, Ont.             | Squirt hose pipe broke off                        | 1           | 1            |
| " 9668    | Jan. 5  | G.T.R.  | Allandale Yard, Ont.                          | Fell off engine                                   | 1           | 1            |
| " 9670    | Jan. 7  | G.T.R.  | Bowmanville, Ont.                             | Foot caught in tender                             | 1           | 1            |
| " 9673    | Jan. 3  | G.T.R.  | Hope Siding, Ont.                             | Digging coal out of grates                        | 1           | 1            |
| " 9676    | Dec. 17 | C.N.R.  | Mission, Ont.                                 | Fell off engine                                   | 1           | 1            |
| " 9694    | Nov. 27 | G.T.R.  | Between Parry Sound and James Bay<br>Jet      | Putting valve in air door piston in place         | 1           | 1            |
| " 9703    | Dec. 20 | C.N.R.  | Wartime, Sask.                                | Slipped off water car                             | 1           | 1            |
| " 9714    | Jan. 18 | G.T.R.  | Lacelle Jet., Que.                            | Slipped off running board                         | 1           | 1            |
| " 9720    | Jan. 11 | C.N.R.  | Cladstone, Man.                               | Shaking grates                                    | 1           | 1            |
| " 9722    | Jan. 3  | C.N.R.  | Saskatoon, Sask.                              | Explosion in firebox                              | 1           | 1            |
| " 9725    | Jan. 16 | G.T.R.  | Huntsville, Ont.                              | Shaking grates                                    | 1           | 1            |
| " 9743    | Jan. 6  | C.N.R.  | Argyle Tank, N.S.                             | Crossarm on tank broke                            | 1           | 1            |
| " 9749    | Jan. 23 | C.N.R.  | Alfred Jet., Que.                             | Piece of coal fell from coal chute                | 1           | 1            |
| " 9750    | Jan. 26 | C.N.R.  | Rockland, Ont.                                | Sprinkler hose blew off                           | 1           | 1            |
| " 9767    | Jan. 31 | C.N.R.  | Joliette, Que.                                | Slipped and fell off engine                       | 1           | 1            |
| " 9769    | Dec. 23 | C.N.R.  | Saskatoon, Sask.                              | Injector broke                                    | 1           | 1            |
| " 9772    | Feb. 6  | G.T.R.  | Huntsville, Ont.                              | Hand went through cab window                      | 1           | 1            |
| " 9774    | Feb. 4  | G.T.R.  | Kitchener, Ont.                               | Inspirator broke on steam pipe                    | 1           | 1            |
| " 9783    | Feb. 4  | C.P.R.  | Farham Yard, Que.                             | Fell off tank                                     | 1           | 1            |
| " 9784    | Feb. 9  | C.P.R.  | Farham Station, Ont.                          | Hinged plate of truck box struck him              | 1           | 1            |
| " 9786    | Feb. 15 | C.N.R.  | Shore Lane Jet., Que.                         | Hand caught in gearing                            | 1           | 1            |
| " 9789    | Jan. 24 | C.N.R.  | Woodridge, Man.                               | Knee caught on edge of boiler lagging             | 1           | 1            |
| " 9802    | Feb. 11 | G.T.R.  | Port Colborne, Ont.                           | Caught between spout and tender                   | 1           | 1            |
| " 9805    | Jan. 29 | C.N.R.  | Veregin, Sask.                                | Fell off engine                                   | 1           | 1            |
| " 9806    | Jan. 28 | C.N.R.  | Sturua, Sask.                                 | Fell off tender                                   | 1           | 1            |
| " 9808    | Feb. 3  | C.P.R.  | Finch, Ont.                                   | Trailing rod broke                                | 1           | 1            |
| " 9809    | Jan. 4  | C.N.R.  | Ottawa, Ont.                                  | Using wrench, same slipped and struck him         | 1           | 1            |



No. 10.—STATEMENT Showing Accidents to Employees while Working on or under Engines, Investigated During the Year Ending December 31, 1921.—Continued.

| File      | Date    | Railway | Place                                    | Remarks  | Kill-<br>ed | In-<br>jured |
|-----------|---------|---------|--|--|-------------|--------------|
| Inv. 9810 | Feb. 7  | M.R.Co. | Emerson Jet., Man.                       | Opened blow-off cock and was scalded.  | -           | 1            |
| " 9818    | Feb. 17 | G.T.R.  | Woodstock, Ont.                          | Cylinder head fell on hand.  | -           | 1            |
| " 9819    | Feb. 21 | G.T.R.  | Concord, Ont.                            | Coal dropped off tender.   | -           | 1            |
| " 9838    | Feb. 24 | C.P.R.  | Ingersoll Yard, Ont.                     | Fell off running board.  | -           | 1            |
| " 9839    | Jan. 17 | N.Y.C.  | Between Adirondack and Caughnawaga, Que. | Fell off coal pit.   | -           | 1            |
| " 9859    | Feb. 16 | C.N.R.  | Port Arthur, Ont.                        | Fell off engine.   | -           | 1            |
| " 9869    | Feb. 21 | Wabash  | Chatham, Ont.                            | Fell off engine.   | -           | 1            |
| " 9879    | Jan. 25 | C.N.R.  | Winnipeg, Man.                           | Water glass burst.   | -           | 1            |
| " 9887    | Feb. 6  | C.N.R.  | Wainwright Yard, Alta.                   | Moving to tank for water.  | -           | 1            |
| " 9888    | Feb. 5  | C.N.R.  | Blue River Yards.                        | Getting on engine.   | -           | 1            |
| " 9925    | Feb. 22 | C.N.R.  | Melville, Sask.                          | Shaking grates.  | -           | 1            |
| " 9928    | Jan. 24 | C.N.R.  | Brandon, Man.                            | Putting on injector squirt hose.   | -           | 1            |
| " 9932    | Mar. 12 | G.T.R.  | Arnprior, Ont.                           | Taking reversing lever out of notch.   | -           | 1            |
| " 9934    | Mar. 4  | C.P.R.  | Mars, M.P. 1284, Laggan Sub.             | Steam chest of rotary plow burst.  | -           | 1            |
| " 9944    | Mar. 25 | G.T.R.  | Allandale, Ont.                          | Struck against oil box door.   | -           | 1            |
| " 9945    | Feb. 22 | C.N.R.  | Vermilion, Alta.                         | Water glass broke.   | -           | 1            |
| " 9946    | Apr. 2  | G.T.R.  | Longford, Ont.                           | Removing plug of lubricator.   | -           | 1            |
| " 9947    | Mar. 30 | G.T.R.  | Burlington Jet., Ont.                    | Fell from cab of engine.   | -           | 1            |
| " 9955    | Apr. 7  | C.P.R.  | Johnsville, Que.                         | Filling hot big end with grease.   | -           | 1            |
| " 9958    | Feb. 21 | C.N.R.  | Delisle, Man.                            | Repairing blower pipe.   | -           | 1            |
| " 9966    | Mar. 25 | C.N.R.  | St. Anne, Man.                           | Tightening nut.  | -           | 1            |
| " 9977    | Mar. 28 | C.N.R.  | Drumheller shop track, Alta.             | Screwing down grease plug.   | -           | 1            |
| " 9979    | Apr. 16 | G.T.R.  | Belleville coal chute, Ont.              | Apron of chute caught cab of locomotive.   | -           | 1            |
| " 9980    | Apr. 8  | G.T.R.  | Ridgeway, Ont.                           | Shaking grates.  | -           | 1            |
| " 9981    | Apr. 5  | G.T.R.  | Allandale, Ont.                          | Closing coal grates.   | -           | 1            |
| " 9982    | Mar. 22 | G.T.R.  | Like Creek, Ont.                         | Steam pipe broke off.  | -           | 1            |
| " 9994    | Apr. 18 | G.T.R.  | Palmerston Depot, Ont.                   | Examining engine, head caught between wheel centre and leading end of right trailing side rod. | -           | 1            |
| " 10000   | Apr. 9  | C.N.R.  | Port Rouge Yard, Man.                    | Engine back-fired.   | -           | 1            |
| " 10001   | Apr. 10 | C.P.R.  | Lake Louise, B.C.                        | Gas in fire-box exploded.  | -           | 1            |
| " 10019   | Mar. 21 | C.N.R.  | Bruderheim, Alta.                        | Dumping ashpan.  | -           | 3            |
| " 10042   | Apr. 1  | K.V.R.  | Brookmere, B.C.                          | Fell from engine.  | -           | 1            |
| " 10043   | Apr. 18 | C.N.R.  | Boston Bar, B.C.                         | Valve on squirt hose worked open.  | -           | 1            |
| " 10061   | May 2   | G.T.R.  | London, Ont.                             | While getting out of cab struck head on a car.   | -           | 1            |
| " 10066   | Apr. 24 | C.P.R.  | Gladstone, Tank, Man.                    | Union coupler on injector steam pipe burst.  | -           | 1            |
| " 10086   | Apr. 2  | C.N.R.  | Between Moose Jaw and Antar, Sask.       | Engine back fired.   | -           | 1            |
| " 10102   | Apr. 25 | C.N.R.  | Edson, Alta.                             | Hand caught between cab and coal boards.   | -           | 1            |
| " 10107   | Apr. 27 | C.P.R.  | Monklands, Ont.                          | Hose blew off coupling.  | -           | 1            |
| " 10116   | May 20  | C.N.R.  | Lovett Water Tank, Alta.                 | Struck by water spout.   | -           | 1            |



## SESSIONAL PAPER No. 20c

|   |       |       |    |        |                                 |   |   |
|---|-------|-------|----|--------|---------------------------------|---|---|
| " | 10133 | May   | 23 | G.T.R. | Pt. St. Charles, Que.           | Trying to disconnect wedge.                     | 1 |
| " | 10134 | June  | 1  | G.T.R. | Turcot, Que.                    | Defective seat box.                             | 1 |
| " | 10142 | Apr.  | 24 | K.V.R. | McCullough, B.C.                | Lifting cover off hot tender.                   | 1 |
| " | 10165 | Apr.  | 26 | C.N.R. | Artland, Sask.                  | Knee jammed between reversing lever and seat.   | 1 |
| " | 10173 | June  | 20 | G.T.R. | Richmond, Que.                  | Struck by poker falling from engine.            | 1 |
| " | 10180 | Apr.  | 22 | G.T.R. | Kathmore, Ont.                  | Taking water, rope broke causing party to fall. | 1 |
| " | 10217 | June  | 20 | G.T.R. | Kindersley Yard, Alta.          | Gas exploded in fire box.                       | 1 |
| " | 10220 | June  | 23 | G.T.R. | London Yard, Ont.               | Cylinder blew out.                              | 1 |
| " | 10223 | June  | 3  | G.T.R. | Moulton, Ont.                   | Sprinkling coal.                                | 1 |
| " | 10236 | July  | 5  | G.T.R. | Oro, Ont., 1 mile south.        | Running lever jumped out of place.              | 1 |
| " | 10255 | June  | 11 | C.N.R. | Humbolt, Sask.                  | Superheater flue burst.                         | 2 |
| " | 10265 | July  | 15 | G.T.R. | Toronto, Union Station, Ont.    | Knocked off step of engine.                     | 1 |
| " | 10267 | July  | 8  | G.T.R. | Port Dover, Ont.                | Opening overflow of injector.                   | 1 |
| " | 10307 | July  | 7  | C.N.R. | Vegreville, Wye, Alta.          | Slipped from gangway.                           | 1 |
| " | 10332 | July  | 9  | C.N.R. | Davin, Sask.                    | Burnt while poking fire.                        | 1 |
| " | 10333 | July  | 21 | C.N.R. | Vanscoy, Sask.                  | Struck hand on injector valve.                  | 1 |
| " | 10334 | July  | 18 | C.N.R. | Delisle, Sask.                  | Tightening union joint.                         | 1 |
| " | 10363 | Aug.  | 3  | G.T.R. | Mimico roundhouse, Ont.         | Shaking crates.                                 | 1 |
| " | 10365 | Aug.  | 3  | G.T.R. | Holstein, Ont.                  | Lump of coal fell off tender.                   | 1 |
| " | 10370 | Aug.  | 18 | G.T.R. | Dunkeld, Ont.                   | Making repairs to ashpan.                       | 1 |
| " | 10371 | Aug.  | 11 | G.T.R. | Mimico Roundhouse, Ont.         | Shutting exhaust cock of pump.                  | 1 |
| " | 10373 | July  | 26 | C.P.R. | Banff, Alta.                    | Water glass broke.                              | 1 |
| " | 10375 | Aug.  | 21 | C.N.R. | St. Andrew, Que.                | Sprinkler hose blew off.                        | 1 |
| " | 10378 | Aug.  | 23 | G.T.R. | Belcoil, Que.                   | Shaking grates.                                 | 1 |
| " | 10400 | Aug.  | 8  | C.N.R. | M.P. 98, Ruel Subdivision.      | Over-flow pipe become disconnected.             | 1 |
| " | 10401 | Aug.  | 10 | G.T.R. | Ottawa, Elgin Street Yard, Ont. | Putting flags on engine fell off.               | 1 |
| " | 10414 | Aug.  | 10 | G.T.R. | Port Hope Yard, Ont.            | While poking fire struck hand on tender.        | 1 |
| " | 10427 | Aug.  | 12 | C.N.R. | Nutana, Sask.                   | Baking fire.                                    | 1 |
| " | 10428 | Aug.  | 16 | C.P.R. | M.P. 25, St. Andrews Sub.       | Explosion in firebox.                           | 1 |
| " | 10429 | Aug.  | 17 | C.N.R. | Limoilou Yard, Que.             | Fire blew out of firebox.                       | 1 |
| " | 10443 | May   | 27 | K.V.R. | Brookmere, Alta.                | Fell off foot board of engine.                  | 1 |
| " | 10454 | Aug.  | 22 | C.N.R. | Alaska, Alta.                   | Shaking grates.                                 | 1 |
| " | 10466 | July  | 29 | C.N.R. | Portage, East Tower.            | Fell from engine.                               | 1 |
| " | 10484 | Aug.  | 30 | G.T.R. | Malton, Ont., 2 miles east.     | Struck by reversing lever.                      | 1 |
| " | 10510 | Sept. | 15 | C.N.R. | Brent Yard, Ont.                | Scalded when injector broke.                    | 1 |
| " | 10511 | Aug.  | 9  | C.P.R. | Hochelega, Que.                 | Fell off running board.                         | 1 |
| " | 10519 | Sept. | 5  | C.N.R. | Near Canoe River, M.P., 63 B.C. | Spring hanger broke.                            | 1 |
| " | 10539 | Sept. | 22 | C.N.R. | Winnipeg, Man., near Clark St.  | Fell from tender of engine.                     | 1 |
| " | 10546 | Sept. | 7  | C.N.R. | Weyburn, Sask.                  | Shaking grates.                                 | 1 |
| " | 10550 | Sept. | 17 | G.T.R. | Cornwall, Ont.                  | Dumping ashpan.                                 | 1 |
| " | 10559 | Sept. | 26 | C.P.R. | Trenton, Ont.                   | Fell off side of engine.                        | 1 |
| " | 10615 | Oct.  | 5  | C.N.R. | McBride Yard, B.C.              | Hand jammed in tank box.                        | 1 |
| " | 10635 | Oct.  | 6  | C.N.R. | Portage Yards, Man.             | Boarding engine struck head on tender.          | 1 |
| " | 10642 | Oct.  | 17 | G.T.P. | Toronto, Ont.                   | Fell off boiler.                                | 1 |
| " | 10659 | Sept. | 28 | C.N.R. | Warden, Alta.                   | Water glass burst.                              | 1 |
| " | 10660 | Oct.  | 8  | C.N.R. | Caprona, Alta.                  | Fell off engine.                                | 1 |
| " | 10668 | Oct.  | 18 | C.N.R. | Rosetown, Sask.                 | Pulling down coal chute.                        | 1 |
| " | 10706 | Oct.  | 10 | C.N.R. | Hornepayne Shops, Ont.          | Filling boiler of engine.                       | 1 |
| " | 10707 | Sept. | 23 | G.T.R. | Rainy Lake, Ont.                | Coal pit slipped.                               | 1 |
| " | 10708 | Oct.  | 30 | G.T.R. | Madawaska, Ont.                 | Spotting engine to dump pan.                    | 1 |



No. 10.—STILLMEN Slowing Accidents to Employees while Working on or under Engines, Investigated During the Year Ending December 31, 1921.—*Concluded.*

| File       | Date     | Railway | Place                               | Remarks   | Kill-<br>ed | In-<br>jured |
|------------|----------|---------|-------------------------------------|---|-------------|--------------|
| Inv. 10709 | Oct. 19  | G.T.R.  | Ottawa, Park Street Yard, Ont.      | Re-railing engine.....                                      | -           | 1            |
| " 10725    | Oct. 26  | G.T.R.  | Port Credit, Ont.                   | Fighting tail lamps.....                                    | -           | 1            |
| " 10727    | Oct. 19  | G.T.R.  | Beachville, Ont.                    | Endeavoring to extinguish lagging which was on fire.....    | -           | 1            |
| " 10734    | Nov. 5   | C.N.R.  | Beynon, Alta.                       | Defective cylinder cock.....                                | -           | 1            |
| " 10735    | Oct. 9   | C.N.R.  | Hervey, Ont.                        | Fell off engine.....  | -           | 1            |
| " 10740    | Oct. 17  | C.N.R.  | Reedtown, Sask.                     | Struck by coal chute.....                                   | -           | 1            |
| " 10751    | Nov. 10  | C.P.R.  | North Transcona, Man.               | Watchman moved engine.....                                  | -           | 1            |
| " 10762    | Nov. 5   | C.N.R.  | Algar water tank, Man.              | Firebox door closed on hand.....                            | -           | 1            |
| " 10770    | Nov. 15  | C.N.R.  | McLure, Sask.                       | Water glass broke.....                                      | -           | 1            |
| " 10774    | Nov. 7   | C.N.R.  | Near Craik, Sask.                   | Hand caught on rusty nail while putting wood in engine..... | -           | 1            |
| " 10780    | Oct. 16  | C.P.R.  | Assiniboia Yard                     | Hand caught between reversing lever and boiler.....         | -           | 1            |
| " 10781    | Nov. 10  | C.N.R.  | Flummas, Man.                       | Slipped from deck of engine.....                            | -           | 1            |
| " 10786    | Nov. 1   | C.N.R.  | Shawinigan Falls, Que.              | Scalded by water from injector.....                         | -           | 1            |
| " 10787    | Nov. 14  | G.T.R.  | London Yard, Ont.                   | Fell off engine while putting up classification lamps.....  | -           | 1            |
| " 10790    | Oct. 29  | C.N.R.  | Biggar Yards, Sask.                 | Struck by squirt hose.....                                  | -           | 1            |
| " 10791    | Oct. 26  | C.N.R.  | Scott, Sask.                        | Squirt hose parted.....                                     | -           | 1            |
| " 10793    | Oct. 25  | C.N.R.  | Hillgate, Sask.                     | Gauge glass broke.....                                      | -           | 1            |
| " 10823    | Oct. 25  | C.N.R.  | Near Redbell, Man.                  | Squirt hose blew while dampening coal.....                  | -           | 1            |
| " 10824    | Sept. 28 | C.N.R.  | Saskatoon Yards, Sask.              | Water glass burst.....                                      | -           | 1            |
| " 10826    | Nov. 28  | C.N.R.  | Marchand, Man.                      | Slipped on tank.....  | -           | 1            |
| " 10831    | Nov. 23  | G.T.R.  | Kingston, Ont.                      | Closing door of manhole.....                                | -           | 1            |
| " 10838    | Oct. 22  | C.N.R.  | Richville, Man.                     | Slipped from back step of tender.....                       | -           | 1            |
| " 10849    | Dec. 19  | G.T.R.  | Wyeoming, Ont.                      | Air door flew open.....                                     | -           | 1            |
| " 10850    | Dec. 16  | G.T.R.  | Between Brighton and Colborne, Ont. | Slipped from hand railing on engine.....                    | -           | 1            |
| Total. 156 |          |         |                                     |   | 1           | 152          |



SESSIONAL PAPER No. 20c

No. 11.—STATEMENT Showing the Number of Highway Crossing Accidents with the Total Number of Killed and Injured by Provinces and Railways for Twelve Months Ending December 31, 1921.

| Name of Railway        | Nova Scotia |    |    | New Brunswick |    |    | Quebec |    |    | Ontario |    |     | Manitoba |    |    | Saskatchewan |    |    | Alberta |    |    | British Columbia |    |    | Total |    |     |
|------------------------|-------------|----|----|---------------|----|----|--------|----|----|---------|----|-----|----------|----|----|--------------|----|----|---------|----|----|------------------|----|----|-------|----|-----|
|                        | Acc.        | K. | I. | Acc.          | K. | I. | Acc.   | K. | I. | Acc.    | K. | I.  | Acc.     | K. | I. | Acc.         | K. | I. | Acc.    | K. | I. | Acc.             | K. | I. | Acc.  | K. | I.  |
| Canadian Pacific ...   |             |    |    | 2             |    | 2  | 15     | 10 | 15 | 26      | 8  | 28  | 6        | .. | 10 | 7            | 3  | 9  | 7       | 2  | 7  | 2                | 1  | 4  | 65    | 24 | 75  |
| Grand Trunk .....      |             |    |    |               |    |    | 12     | 4  | 13 | 52      | 29 | 55  | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 64 | 33    | 68 |     |
| Canadian National ..   | 1           |    | 1  |               |    |    | 2      |    | 2  | 9       | 3  | 7   | 4        | .. | 7  | 7            | 1  | 9  | 2       | .. | 4  | ..               | .. | 25 | 4     | 30 |     |
| Michigan Central ..... |             |    |    |               |    |    |        |    |    | 7       | 2  | 6   | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 7  | 2     | 6  |     |
| Nia. St. C. and Tor .. |             |    |    |               |    |    |        |    |    | 3       | 1  | 3   | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 3  | 1     | 3  |     |
| Pere Marquette .....   |             |    |    |               |    |    |        |    |    | 1       | 1  | 2   | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 1  | 1     | 2  |     |
| Brantford and .....    |             |    |    |               |    |    |        |    |    |         |    |     | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | .. | ..    | .. |     |
| Hamilton .....         |             |    |    |               |    |    |        |    |    | 4       | .. | 6   | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 4  | ..    | 6  |     |
| Hamilton Radial .....  |             |    |    |               |    |    |        |    |    | 2       | .. | 4   | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 2  | ..    | 4  |     |
| Tor., Hamilton and ..  |             |    |    |               |    |    |        |    |    | 5       | 1  | 4   | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 5  | 1     | 4  |     |
| Buffalo .....          |             |    |    |               |    |    |        |    |    | ..      | .. | ..  | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 1  | 1     | .. |     |
| Boston and Maine ..    |             |    |    |               |    |    | 1      |    | 1  | ..      | .. | ..  | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 1  | 1     | 4  |     |
| Oshawa .....           |             |    |    |               |    |    |        |    |    | 1       | .. | 4   | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 1  | ..    | .. |     |
| Central Vermont .....  |             |    |    |               |    |    | 1      |    | 1  | ..      | .. | ..  | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 1  | ..    | 1  |     |
| Napierville Jet .....  |             |    |    |               |    |    | 2      |    | 3  | 4       | .. | ..  | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 2  | 3     | 4  |     |
| Esquimalt and .....    |             |    |    |               |    |    |        |    |    | ..      | .. | ..  | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | .. | ..    | .. |     |
| Nanaimo .....          |             |    |    |               |    |    |        |    |    | ..      | .. | ..  | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | 1                | .. | 1  | ..    | 1  |     |
| Quebec Central .....   |             |    |    |               |    |    | 1      |    | 1  | ..      | .. | ..  | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 1  | ..    | 1  |     |
| Grand River .....      |             |    |    |               |    |    |        |    |    | 1       | .. | 1   | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 1  | ..    | 1  |     |
| Lake Erie and .....    |             |    |    |               |    |    |        |    |    | 2       | .. | 4   | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | 2  | ..    | 4  |     |
| Northern .....         |             |    |    |               |    |    |        |    |    | ..      | .. | ..  | ..       | .. | .. | ..           | .. | .. | ..      | .. | .. | ..               | .. | .. | ..    | .. |     |
|                        | 1           | .. | 1  | 2             | .. | 2  | 34     | 18 | 36 | 113     | 45 | 124 | 10       | .. | 17 | 14           | 4  | 18 | 9       | 2  | 11 | 3                | 1  | 5  | 186   | 70 | 214 |



No. 12.—STATEMENT Showing Highway Crossings at which Protection provided, and Nature of Protection, During Period of Twelve Months Ending December 31, 1921.

| File No.  | Order No. | Location of Crossing  | Railway            | Nature of Protection  |
|-----------|-----------|---|--------------------|---|
| 9437-1325 | 30499     | Allanburg, Ont., crossing just north of station.                              | G.T.R.             | Removal of tree obstruction.  |
| 9437-102  | 30500     | Toronto, Ont., Woodbine avenue.   | G.T.R.             | Gates.  |
| 9437-105  | 30602     | Twp. of Etobicoke, Ont., Dundas street.                                       | C.P.R.             | Automatic bell.   |
| 28786-10  | 30630     | Fort Saskatchewan, Alta., crossings at Ross and Griesbach sts.                | C.N.R.             | Speed limitation of six miles per hour.   |
| 28786-10  | 30630     | Fort Saskatchewan, Alta., crossings at Timm, Lang, Burleigh and Emma streets. | C.N.R.             | Speed limitation of ten miles per hour.   |
| 4552-4    | 30677     | Hamilton, Ont., Lottridge street.   | G.T.R.             | Gate-men's hours extended to full 24 hours.   |
| 9437-104  | 30715     | Cooksville, Ont., Dundas street.  | C.P.R.             | Two double electric automatic illuminated bells with wig-wag signal; and all standing cars to be kept back 200 feet from crossing lines.  |
| 9437-1042 | 30723     | Colborne, Ont., first crossing west.  | G.T.R.             | Cars not to be placed closer than 100 feet from crossing.   |
| 26765-173 | 30747     | Alvinston, Ont., 2nd crossing west.   | G.T.R.             | Removal of building and trees obstructing view.   |
| 27318-5   | 30768     | Simcoe, Ont., town line crossing.   | L.E. & N.          | Automatic electric bell.  |
| 9437-137  | 30781     | Charing Cross, Ont., 1st crossing west of station.                            | M.C.R.             | Removal of trees; installation of two double illuminated electric bells, with wig-wag.  |
| 26765-182 | 30792     | Twp. Stephenson, Ont., Matchett's crossing.                                   | G.T.R.             | Removal of trees and brush, also grading of surface.  |
| 12433-2   | 30830     | Winnipeg, Man., Water street.   | C.N.R.             | Subway.   |
| 27802-6   | 30918     | Silverdale, Ont., first crossing east.  | T.H. & B.          | Removal of trees and brush.   |
| 1446-9    | 30926     | Selater, Man., first crossing east.   | C.N.R.             | Removal of brush.   |
| 26727-66  | 30936     | Dalhousie Mills, Ont., Glen Nevis crossing.                                   | C.P.R.             | Grading of road surface and removal of waste material.  |
| 27318-3   | 30947     | Galt, Ont., Concession street.  | G.R.R. & L.E. & N. | Trains to come to a stop before passing over crossing.  |
| 9437-258  | 31016     | Perth, Ont., Drummond street.   | C.P.R.             | Wig-wag to be provided in addition to bell already installed.   |
| 27467-15  | 31031     | Crossing between Secs. 8 and 17, twp. 21, range 12, west 2nd meridian, Sask.  | C.N.R.             | Wig-wag to be provided in addition to bell already installed.   |
| 9437-416  | 31036     | Newbury, Ont., Hagerly street crossing.                                       | G.T.R.             | Two automatic bells and wig-wag signals.  |
| 26744-27  | 31095     | Fricksdale, Man., crossing 4.2 miles north.                                   | C.N.R.             | Removal of brush.   |
| 26765-178 | 31166     | Hamilton, Ont., Kelly street.   | G.T.R.             | Flagman, daily except Sunday.   |
| 9437-1036 | 31107     | Moffatt, Ont., crossing on Lot 15, con. 2.                                    | C.P.R.             | Automatic electric bell, with wig-wag signal.   |
| 26765-95  | 31134     | Woodstock, Ont., Ingersoll Road crossing.                                     | G.T.R.             | Automatic bell in lieu of 2 watchmen already installed.   |
| 26727-78  | 31152     | Twp. Allison, Ont., between cons. 4 and 5.                                    | C.P.R.             | Widen out cut to limit of right of way and for distance 300 feet south.   |
| 26744-4   | 31191     | Letellier, Man., crossing just south of station.                              | C.N.R.             | Installation of sign boards at each side of crossing.   |
| 26711-19  | 31197     | Torrance, Ont., crossing at mileage 111.                                      | C.N.R.             | Removal of trees.   |
| 9437-628  | 31213     | Twp. of Ancaster, Ont., Hamilton and Ancaster road.                           | T.H. & B.          | Subway.   |
| 31008     | 31231     | Twp. of Nepean crossing on lot 33, con. 1, near Ottawa.                       | C.P.R.             | Construction of crossing over tracks; installation of a protective "island" on each side of crossing; install two automatic electric bells, with wig-wag signals; erection of standard crossing warning boards on each side of crossing; and removal of trees and shrubs. |



## SESSIONAL PAPER No. 20c

| 20765-174 | 31259 | Chatham, Ont., Lacroix street.....                            | G.T.R.....          | Two automatic electric bells, with wig-wag attachments, to be installed; and railway company to flag all train movements on all side tracks; in addition to keeping all standing cars back from crossing line 300 feet on each side of road, also erect posts the same distance from highway as a prohibition to cars standing any closer than the post to the highway. |
|-----------|-------|---|---------------------|---|
| 9437-207  | 31266 | Aurora, Ont., Yonge street.....                               | G.T.R.....          | Subway.   |
| 27467-17  | 31357 | Regina, Sask., Seventh avenue.....                            | C.N.R.....          | Automatic electric bell and wig-wag.  |
| 26765-195 | 31368 | Campbellford, Ont., third crossing east.....                  | G.T.R.....          | Removal of trees and brush.   |
| 9437-197  | 31377 | Iroquois, Ont., Carman road.....                              | G.T.R.....          | Removal of trees.   |
| 27652-17  | 31385 | River Beaudette, Que., first crossing east.....               | G.T.R.....          | Removal of trees.   |
| 11978     | 31435 | Shedden, Ont., first crossing west.....                       | M.C.R.....          | Double combination bell, and wig-wag signals.   |
| 9437-588  | 31460 | Woodstock, N.B., King street.....                             | C.P.R.....          | Automatic electric bell, with wig-wag signal in lieu of gates.  |
| 26765-200 | 31469 | Oakville, Ont., Ninth line crossing.....                      | G.T.R.....          | Removal of trees.   |
| 26727-36  | 31480 | Woodstock, Ont., Dundas street crossing.....                  | C.P.R.....          | Adding wig-wag to bell already installed.   |
| 26765-163 | 31543 | Sturgeon street, Omemee, Ont.....                             | G.T.R.....          | Advance warning signs installed 300 feet on both sides of crossing.   |
| 27811-20  | 31551 | Blairmore, Alta., first crossing east.....                    | C.P.R.....          | Speed limitation of six miles an hour over crossing.  |
| 31305     | 31586 | Niagara, Ont., Stop 64.....                                   | N.St. C. & T.....   | Trees trimmed.  |
| 26765-160 | 31598 | Prescott, Ont., third crossing east.....                      | G.T.R.....          | Removal of trees.   |
| 28374     | 31629 | Bath, N.B., private crossing just south.....                  | C.P.R.....          | Speed limitation of ten miles an hour over crossing.  |
| 27802-7   | 31632 | Mineral Springs, Ont., 1st Governor's road crossing west..... | T.H. & B.....       | Removal of trees and brush.   |
| 9437-361  | 31646 | Windsor Mills, Que., Bridge street.....                       | G.T.R.....          | Automatic electric bell, with wig-wag signal, in lieu of watchman.  |
| 9437-324  | 31652 | Beaconsfield, Que., crossing just east of station.....        | C.P.R. & G.T.R..... | Two automatic electric bells, with wig-wag signals in lieu of watchman.   |
| 27929-9   | 31687 | Wallaceburg, Ont., Murray street.....                         | P.M.R.....          | Install sign posts 125 feet from crossing and all switching movements over crossing to be flagged.  |
| 26765-189 | 31714 | Victoria Harbour, Ont., Lake Shore crossing.....              | G.T.R.....          | Removal of trees and brush.   |
| 27156-56  | 31716 | Rock Forest, Que., first crossing east.....                   | C.P.R.....          | Removal of embankment obstructing view at crossing.   |
| 9437-464  | 31733 | Tavistock, Ont., Hope and Woodstock streets.....              | G.T.R.....          | Automatic electric bell, with wig-wag signal in lieu of gates and watchman.   |
| 27156-55  | 31781 | Delson, Que., first crossing south.....                       | C.P.R.....          | Removal of trees and brush also cars to be kept back 200 feet from crossing.  |
| 9437-1167 | 31817 | Seaforth, Ont., Main street.....                              | G.T.R.....          | Automatic electric bell, with wig-wag signal in lieu of watchman.   |
| 9437-178  | 31903 | Port Credit, Ont., Stave Bank road.....                       | G.T.R.....          | Automatic electric bell, with wig-wag signal in lieu of watchman.   |
| 27365-11  | 31947 | Winnipeg, Man., Selkirk avenue.....                           | C.P.R.....          | Gates to be operated full 24 hours.   |
| 28786-11  | ..... | Edmonton, Alta., St. Albert road.....                         | C.N.R.....          | Removal of brush.   |
| 26727-16  | ..... | Galt, Ont., Clyde road.....                                   | C.P.R.....          | Removal of trees.   |
| 27066-3   | ..... | Oakville, Ont., Randall street, corner of Chisholm.....       | Ham. Rad.....       | Removal of board fence obstructing view of crossing.  |
| 26765-136 | ..... | Clinton, Ont., Victoria street (London road).....             | G.T.R.....          | Speed restriction of 10 miles an hour, and cars to be kept back 30 feet from east line of street.   |
| 29887-1   | ..... | Cainsville, Ont., Stone Road crossing.....                    | B. & H.....         | Removal of trees.   |
| 26842-19  | ..... | Welland, Ont., Lincoln street.....                            | M.C.R.....          | Removal of trees.   |
| 26711-24  | ..... | Harrowsmith, Ont., crossing 1½ miles west.....                | C.N.R.....          | Removal of trees.   |



No. 12.—Statement Showing Highway Crossings at which Protection provided, and Nature of Protection, During Period of Twelve Months Ending December 31, 1921.—*Concluded.*

| File No.  | Order No. | Location of Crossing                    | Railway   | Nature of Protection                    |
|-----------|-----------|---|-----------|---|
| 26727-48  | 25733     | Pontypool, 2nd public crossing East     | C.P.R.    | Diversion to connect with Manvers Road. |
| 26728-200 | 24915     | Peterboro, Ont., Artyb St.              | G.T.R.    | Wig-wag signal.                         |
| 26910     | 24079     | Hamilton, Ont., Sheridan Ave.           | T.H. & B. | Over-head foot bridge.                  |
| 9437-101  | 31660     | Norpus, N.B., Mile 18.20, St. John Sub. | C.P.R.    | Closed by diversion.                    |
| 29724-2   | 2042      | Albion, Mile 16.98, The-salon Sub.      | C.P.R.    | Subway.                                 |
| 947-1100  | 24679     | Kootenai, Mile 6.9, St. John Sub.       | C.P.R.    | Diversion (closed).                     |
|           |           | Kootenai, Mile 6.35                     |           |   |



## SESSIONAL PAPER No. 20c

No. 13.—STATEMENT Showing the Number of Highway Crossings at which Protection has been Ordered, and the Nature of Protection set out by Provinces, for Twelve Months Ending December 31, 1921.

|   | Nova Scotia | New Brunswick | Quebec | Ontario | Manitoba | Saskatchewan | British Columbia | Alberta | Total |
|---|-------------|---------------|--------|---------|----------|--------------|------------------|---------|-------|
| Automatic bell  |             |               |        | 2       |          |              |                  |         | 2     |
| Automatic bell and wig-wag  |             |               |        | 1       |          | 1            |                  |         | 2     |
| Automatic bell and wig-wag double installation  |             |               |        | 2       |          |              |                  |         | 2     |
| Automatic bell in lieu of watchman  |             |               |        | 1       |          |              |                  |         | 1     |
| Automatic bell and wig-wag in lieu of gates   |             | 1             |        | 2       |          |              |                  |         | 3     |
| Automatic bell and wig-wag in lieu of watchman  |             |               | 3      | 2       |          |              |                  |         | 5     |
| Automatic bell and wig-wag, double advance warning signs, protective island, and removal of trees |             |               |        | 1       |          |              |                  |         | 1     |
| Automatic bell and wig-wag, double installation, and view to be kept clear                        |             |               |        | 3       |          |              |                  |         | 3     |
| Wig-Wag   |             |               |        | 1       |          |              |                  |         | 1     |
| Wig-wag added to automatic bell   |             |               |        | 2       |          | 1            |                  |         | 3     |
| Watchman  |             |               |        | 1       |          |              |                  |         | 1     |
| Gates   |             |               |        | 1       | 1        |              |                  |         | 2     |
| Gates, hours of operation extended  |             |               |        | 1       |          |              |                  |         | 1     |
| Subway  |             |               |        | 3       | 1        |              |                  |         | 4     |
| Removal of view obstructions  |             |               | 3      | 17      | 2        |              |                  | 1       | 23    |
| Removal of view obstruction and grading of roadway  |             |               |        | 2       |          |              |                  |         | 2     |
| Cars to be kept clear specified distance  |             |               |        | 1       |          |              |                  |         | 1     |
| Speed limitation  |             | 1             |        |         |          |              |                  | 7       | 8     |
| Speed limitation and cars to be kept clear specified distance                                     |             |               |        | 1       |          |              |                  |         | 1     |
| Switching movements to be flagged and cars kept clear specified distance                          |             |               |        | 1       |          |              |                  |         | 1     |
| Overhead footbridge   |             |               |        | 1       |          |              |                  |         | 1     |
| Erection of advance warning signs   |             |               |        | 1       | 1        |              |                  |         | 2     |
| Trains to stop before crossing  |             |               |        | 1       |          |              |                  |         | 1     |
| Diversion (closed)  |             | 3             |        | 1       |          |              |                  |         | 4     |
|   |             | 5             | 6      | 49      | 5        | 2            |                  | 8       | 75    |

No. 14.—STATEMENT Showing Number of Persons Killed and Injured at Public Highway Crossings, Separately, for Each Year for Two Years Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Twelve Months Ending December 31, 1921.

| Year                             | Gates |    | Bell |    | Watchman |    | Unprotected |     | Total |     |
|----------------------------------|-------|----|------|----|----------|----|-------------|-----|-------|-----|
|                                  | K.    | I. | K.   | I. | K.       | I. | K.          | I.  | K.    | I.  |
| 1918                             | 6     | 15 | 9    | 12 |          | 5  | 52          | 119 | 67    | 151 |
| 1919                             | 3     | 20 | 10   | 20 | 1        | 7  | 27          | 115 | 41    | 162 |
| Nine months ending Dec. 31, 1919 | 4     | 9  | 4    | 7  | 4        | 9  | 36          | 158 | 48    | 163 |
| 1920                             | 6     | 14 | 6    | 29 | 4        | 8  | 52          | 134 | 68    | 215 |
| 1921                             | 5     | 14 | 14   | 27 | 1        | 8  | 50          | 166 | 70    | 214 |
|                                  | 24    | 71 | 43   | 95 | 10       | 37 | 217         | 702 | 294   | 905 |



No. 15.—STATEMENT Showing Number of Highway Crossing Accidents, the Nature of Same for Each and Every Year Separately for the Two Years Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Twelve Months Ending December 31, 1921.

|                 | Gates |    |      |    |             |    | Watchman |   |      |   |       |    | Bell |    |      |    |             |    | Unprotected |    |      |     |       |     | Total |     |      |     |             |     |      |  |      |  |       |  |
|-----------------|-------|----|------|----|-------------|----|----------|---|------|---|-------|----|------|----|------|----|-------------|----|-------------|----|------|-----|-------|-----|-------|-----|------|-----|-------------|-----|------|--|------|--|-------|--|
|                 | 1918  |    | 1919 |    | 9 mos. 1919 |    | 1920     |   | 1921 |   | Total |    | 1918 |    | 1919 |    | 9 mos. 1919 |    | 1920        |    | 1921 |     | Total |     | 1918  |     | 1919 |     | 9 mos. 1919 |     | 1920 |  | 1921 |  | Total |  |
|                 |       |    |      |    |             |    |          |   |      |   |       |    |      |    |      |    |             |    |             |    |      |     |       |     |       |     |      |     |             |     |      |  |      |  |       |  |
| Automobile..... | 1     | 3  | 4    | 4  | 3           | 15 | 3        | 1 | 1    | 2 | 4     | 11 | 5    | 13 | 5    | 17 | 15          | 55 | 45          | 40 | 50   | 93  | 92    | 329 | 51    | 60  | 60   | 116 | 114         | 114 | 410  |  |      |  |       |  |
| Horse and rig   | 1     | -  | -    | 2  | 2           | 5  | 3        | - | 1    | 2 | 1     | 7  | 3    | 1  | -    | 7  | 6           | 17 | 43          | 28 | 25   | 33  | 32    | 161 | 50    | 29  | 26   | 41  | 41          | 41  | 190  |  |      |  |       |  |
| Pedestrian      | 9     | 17 | 4    | 13 | 10          | 53 | 1        | 6 | 3    | 3 | -     | 13 | 4    | 3  | 1    | 3  | 4           | 15 | 21          | 21 | 22   | 12  | 20    | 96  | 35    | 47  | 30   | 31  | 34          | 177 |      |  |      |  |       |  |
|                 | 11    | 20 | 8    | 19 | 15          | 73 | 7        | 7 | 5    | 7 | 5     | 31 | 12   | 17 | 6    | 27 | 25          | 87 | 109         | 98 | 97   | 138 | 144   | 586 | 139   | 142 | 116  | 191 | 189         | 777 |      |  |      |  |       |  |

The total of 777 accidents covers 294 persons killed and 995 persons injured, as referred to in preceding statement.



SESSIONAL PAPER No. 20c

No. 16.—STATEMENT Showing the Number of Trespassers Killed and Injured by Provinces and Railways for the Year Ending December 31, 1921.

| Name of Railway                       | Nova Scotia |    | New Brunswick |    | Quebec |    | Ontario |    | Manitoba |    | Saskatchewan |    | Alberta |    | British Columbia |    | Total |    |
|---------------------------------------|-------------|----|---------------|----|--------|----|---------|----|----------|----|--------------|----|---------|----|------------------|----|-------|----|
|                                       | K.          | I. | K.            | I. | K.     | I. | K.      | I. | K.       | I. | K.           | I. | K.      | I. | K.               | I. | K.    | I. |
| Grand Trunk.....                      | -           | -  | -             | -  | 3      | 10 | 9       | 23 | -        | 8  | -            | 3  | -       | 4  | -                | 2  | 12    | 33 |
| Canadian Pacific.....                 | -           | -  | -             | 1  | 4      | -  | 18      | 11 | 3        | -  | 6            | -  | 2       | -  | 2                | -  | 37    | 27 |
| Canadian National.....                | 1           | -  | -             | -  | -      | 1  | 2       | 3  | 2        | -  | 3            | -  | 1       | 12 | 4                | -  | 12    | 23 |
| Dominion Atlantic.....                | -           | 1  | -             | -  | -      | -  | -       | -  | -        | -  | -            | -  | -       | -  | -                | -  | -     | 1  |
| Essex Terminal.....                   | -           | -  | -             | -  | -      | -  | -       | 1  | -        | -  | -            | -  | -       | -  | -                | -  | -     | 1  |
| Niagara, St Catharines & Toronto..... | -           | -  | -             | -  | -      | -  | -       | 1  | -        | -  | -            | -  | -       | -  | -                | -  | -     | 1  |
| Michigan Central.....                 | -           | -  | -             | -  | -      | -  | -       | 1  | -        | -  | -            | -  | -       | -  | -                | -  | -     | 1  |
| Grand River.....                      | -           | -  | -             | -  | -      | -  | -       | 2  | -        | -  | -            | -  | -       | -  | -                | 2  | -     | 2  |
| New York Central.....                 | -           | -  | -             | -  | 1      | 1  | -       | -  | -        | -  | -            | -  | -       | -  | -                | 1  | 1     | 1  |
| Great Northern.....                   | -           | -  | -             | -  | -      | -  | -       | -  | -        | -  | -            | -  | -       | -  | -                | -  | 1     | -  |
| Kettle Valley.....                    | -           | -  | -             | -  | -      | -  | -       | -  | -        | -  | -            | -  | -       | -  | 1                | -  | -     | 1  |
| Toronto, Buffalo & Hamilton.....      | -           | -  | -             | -  | -      | -  | 1       | -  | -        | -  | -            | -  | -       | -  | -                | -  | 1     | -  |
|                                       | 1           | 1  | -             | 1  | 8      | 12 | 30      | 42 | 5        | 8  | 9            | 6  | 7       | 14 | 4                | 7  | 64    | 91 |



12 GEORGE V, A. 1922

No. 17.—STATEMENT Showing the Number of Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board from April 1, 1913, until March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Year Ending December 31, 1921.

| Year               | Passengers |       | Employees |        | Others |       | Total |        |
|--------------------|------------|-------|-----------|--------|--------|-------|-------|--------|
|                    | K.         | I.    | K.        | I.     | K.     | I.    | K.    | I.     |
| 1913.....          | 21         | 410   | 303       | 1,603  | 319    | 218   | 643   | 2,231  |
| 1914.....          | 31         | 339   | 249       | 1,250  | 314    | 310   | 594   | 1,899  |
| 1915.....          | 8          | 239   | 99        | 873    | 230    | 251   | 337   | 1,363  |
| 1916.....          | 17         | 140   | 120       | 788    | 200    | 197   | 337   | 1,125  |
| 1917.....          | 16         | 280   | 155       | 1,174  | 212    | 239   | 383   | 1,693  |
| 1918.....          | 22         | 342   | 137       | 1,220  | 174    | 268   | 333   | 1,830  |
| 1919.....          | 28         | 202   | 117       | 1,344  | 119    | 267   | 264   | 1,813  |
| 1919—9 months..... | 4          | 274   | 91        | 951    | 128    | 277   | 223   | 1,502  |
| 1920.....          | 17         | 379   | 80        | 1,570  | 157    | 381   | 254   | 2,330  |
| 1921.....          | 4          | 240   | 91        | 1,344  | 148    | 344   | 243   | 1,928  |
|                    | 168        | 2,845 | 1,442     | 12,117 | 2,001  | 2,752 | 3,611 | 17,714 |



SESSIONAL PAPER No. 20c

No. 18.—STATEMENT Showing the Number of Persons Killed and Injured in the More Prominent Accidents on the Various Railways under the Jurisdiction of the Board Shown Separately for each Year for Two Years Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Twelve Months Ending December 31, 1921.

|  | 1918 |     | 1919 |     | 9 months<br>1919 |     | 1920 |       | 1921 |     | Total |       |
|--|------|-----|------|-----|------------------|-----|------|-------|------|-----|-------|-------|
|  | K.   | I.  | K.   | I.  | K.               | I.  | K.   | I.    | K.   | I.  | K.    | I.    |
| Derailment . . . . .                           | 19   | 242 | 9    | 159 | 13               | 247 | 11   | 316   | 12   | 159 | 64    | 1,123 |
| Collision head on. . . . .                     | 6    | 47  | 8    | 57  | 4                | 85  | —    | 66    | 2    | 33  | 20    | 288   |
| Collision rear end. . . . .                    | 14   | 86  | 3    | 53  | 1                | 15  | 14   | 58    | 2    | 28  | 34    | 240   |
| Collision in yard. . . . .                     | 9    | 58  | 2    | 40  | —                | 21  | 2    | 45    | 1    | 43  | 14    | 207   |
| Collision with cars, open switch. . . . .      | —    | 7   | 1    | 7   | 2                | 20  | —    | 21    | 2    | 6   | 5     | 61    |
| Collision with cars standing foul. . . . .     | —    | 14  | —    | 1   | —                | 1   | —    | 4     | —    | 15  | —     | 35    |
| Collision at level (diamond) crossing. . . . . | —    | 14  | 3    | 18  | —                | 3   | —    | 4     | —    | 7   | 3     | 46    |
| Highway crossing protected . . . . .           | 15   | 32  | 14   | 47  | 12               | 25  | 16   | 51    | 20   | 48  | 77    | 203   |
| Highway crossing unprotected . . . . .         | 52   | 119 | 27   | 115 | 36               | 138 | 52   | 161   | 50   | 166 | 217   | 702   |
| Adjusting couplers, coupling, etc. . . . .     | 5    | 70  | 6    | 75  | 3                | 59  | 6    | 101   | —    | 69  | 20    | 374   |
| Trespassing . . . . .                          | 93   | 64  | 77   | 102 | 64               | 68  | 73   | 120   | 64   | 91  | 371   | 445   |
| Hand car, motor, struck by train . . . . .     | 5    | 11  | 10   | 15  | 7                | 8   | 6    | 44    | 9    | 59  | 37    | 137   |
| Struck by switch stand, etc. . . . .           | —    | 15  | 2    | 22  | —                | 25  | —    | 43    | 1    | 31  | 3     | 136   |
| Crushed between cars and buildings . . . . .   | 1    | 12  | 3    | 13  | —                | 6   | —    | 16    | 2    | 8   | 6     | 55    |
| Falling off passenger train . . . . .          | 4    | 13  | 7    | 17  | 1                | 17  | 3    | 24    | 3    | 18  | 18    | 79    |
| Falling off top of car. . . . .                | 6    | 23  | 2    | 37  | 7                | 37  | 3    | 33    | 3    | 16  | 21    | 146   |
| Falling between cars going over top . . . . .  | 1    | 2   | 3    | 9   | 1                | 5   | 3    | 2     | 2    | 7   | 10    | 25    |
| Jumping off train in motion. . . . .           | 6    | 46  | 5    | 46  | 1                | 54  | 4    | 62    | 3    | 64  | 19    | 272   |
| Attempt to board train in motion . . . . .     | 13   | 24  | 3    | 35  | 1                | 31  | —    | 57    | 3    | 38  | 20    | 185   |
| Run down by engine or car . . . . .            | 43   | 50  | 32   | 54  | 27               | 41  | 26   | 76    | 18   | 57  | 146   | 278   |
| Locomotive dropped crown sheet . . . . .       | 18   | 3   | 1    | 8   | —                | 4   | —    | —     | 1    | —   | 19    | 15    |
|  | 310  | 952 | 218  | 920 | 180              | 910 | 219  | 1,307 | 197  | 963 | 1,124 | 5,052 |



## RAILWAY COMMISSIONERS FOR CANADA

12 GEORGE V, A. 1922

No. 19.—STATEMENT Showing Number of Cars Inspected Together with Defects for Twelve Months Ending December 31, 1921.

| Name of Railway                  | Cars Inspected | Cars Defective | Per cent Defective | Grand Total Defects | Couplers and parts | Per cent Defective | Uncoupling Mechanism | Per cent Defective | Hand-holds | Per cent Defective |
|----------------------------------|----------------|----------------|--------------------|---------------------|--------------------|--------------------|----------------------|--------------------|------------|--------------------|
| Canadian Pacific.....            | 35,566         | 1,967          | 5.53               | 2,185               | 43                 | 1.51               | 296                  | 13.54              | 117        | 5.35               |
| Grand Trunk.....                 | 20,846         | 1,023          | 4.90               | 1,138               | 17                 | 1.49               | 170                  | 14.93              | 54         | 4.74               |
| Canadian National.....           | 15,161         | 1,029          | 6.78               | 1,174               | 23                 | 1.95               | 210                  | 17.88              | 43         | 3.66               |
| Grand Trunk Pacific.....         | 680            | 64             | 9.41               | 68                  | —                  | —                  | 13                   | 19.11              | 3          | 4.41               |
| Toronto, Hamilton & Buffalo..... | 1,015          | 46             | 4.53               | 54                  | 2                  | 3.51               | 3                    | 5.55               | 6          | 11.11              |
| Michigan Central.....            | 2,295          | 74             | 3.22               | 78                  | 2                  | 2.56               | 4                    | 5.12               | 2          | 2.56               |
| Dominion Atlantic.....           | 346            | 63             | 18.20              | 88                  | —                  | —                  | 6                    | 6.81               | 5          | 5.68               |
| Great Northern.....              | 155            | 22             | 14.19              | 22                  | —                  | —                  | 5                    | 22.72              | —          | —                  |
| Algoma Central.....              | 485            | 39             | 8.04               | 45                  | 2                  | 4.44               | 9                    | 20.00              | —          | —                  |
| Esquimalt & Nanaimo.....         | 140            | 15             | 10.71              | 16                  | —                  | —                  | —                    | —                  | 3          | 18.75              |
| E. D. & B. C.....                | 100            | 10             | 10.00              | 15                  | —                  | —                  | 1                    | 6.66               | 1          | 6.66               |
|                                  | 76,789         | 4,352          | 5.66               | 4,883               | 89                 | 1.82               | 717                  | 14.70              | 234        | 4.79               |

| Name of Railway                  | Air Brakes | Per cent Defective | Ladders | Per cent Defective | Sill Steps | Per cent Defective | Height of Couplers | Per cent Defective | Miscellaneous | Per cent Defective |
|----------------------------------|------------|--------------------|---------|--------------------|------------|--------------------|--------------------|--------------------|---------------|--------------------|
| Canadian Pacific.....            | 1,238      | 56.65              | 146     | 6.68               | 157        | 7.18               | 18                 | 0.82               | 170           | 7.78               |
| Grand Trunk.....                 | 756        | 66.43              | 37      | 3.25               | 33         | 2.89               | 9                  | 0.79               | 62            | 5.44               |
| Canadian National.....           | 678        | 57.75              | 59      | 5.02               | 80         | 6.81               | 11                 | 0.93               | 70            | 5.96               |
| Grand Trunk Pacific.....         | 48         | 70.58              | —       | —                  | 2          | 2.94               | 1                  | 1.47               | 1             | 1.47               |
| Toronto, Hamilton & Buffalo..... | 27         | 50.00              | 6       | 11.11              | 3          | 5.55               | 1                  | 1.85               | 6             | 11.11              |
| Michigan Central.....            | 60         | 76.92              | 4       | 5.12               | 1          | 1.28               | —                  | —                  | 5             | 6.41               |
| Dominion Atlantic.....           | 52         | 59.09              | 2       | 2.27               | 10         | 11.36              | 1                  | 1.13               | 12            | 13.63              |
| Great Northern.....              | 12         | 54.54              | —       | —                  | —          | —                  | 3                  | 13.63              | 2             | 9.09               |
| Algoma Central.....              | 33         | 73.73              | —       | —                  | 1          | 2.22               | —                  | —                  | —             | —                  |
| Esquimalt & Nanaimo.....         | 10         | 62.50              | —       | —                  | 1          | 6.25               | —                  | —                  | 2             | 12.50              |
| E. D. & B. C.....                | 11         | 73.73              | —       | —                  | 2          | 13.33              | —                  | —                  | —             | —                  |
|                                  | 2,925      | 59.90              | 254     | 5.20               | 290        | 5.93               | 44                 | 0.90               | 330           | 6.75               |



## SESSIONAL PAPER No. 20c

No. 20.—STATEMENT Showing Defective Safety Appliances on Freight Cars as Reported by the Inspectors for Twelve Months Ending December 31, 1921.

| COUPLERS AND PARTS                        |     | AIR BRAKES   |       |
|---|-----|--|-------|
| Coupler body broken.....                  | 5   | Triple valve defective.....  | 5     |
| Coupler body worn.....                    | 2   | Triple valve missing.....  | -     |
| Guard arm short.....                      | -   | Reservoir defective.....   | -     |
| Knuckle broken.....                       | 1   | Reservoir loose.....   | 1     |
| Knuckle worn.....                         | 1   | Cylinder defective.....  | 19    |
| Knuckle missing.....                      | 7   | Cylinder loose.....  | 27    |
| Knuckle pin broken.....                   | 2   | Cylinder and triple valve not cleaned within<br>twelve months.....     | 224   |
| Knuckle pin wrong.....                    | -   | Cylinder and triple valve not stencilled with<br>date of cleaning..... | 13    |
| Knuckle pin bent.....                     | -   | Cut out cock defective.....  | 81    |
| Knuckle pin missing.....                  | 8   | Release cock defective.....  | 6     |
| Lock block broken.....                    | 54  | Release cock missing.....  | 1     |
| Lock block worn.....                      | -   | Release rod broken.....  | 199   |
| Lock block wrong.....                     | -   | Release rod missing.....   | 148   |
| Lock block bent.....                      | -   | Angle cock defective.....  | 120   |
| Lock block inoperative.....               | 5   | Angle cock missing.....  | 4     |
| Lock block missing.....                   | 4   | Train pipe broken.....   | 11    |
| Lock block key missing.....               | -   | Train pipe loose.....  | 157   |
| Lock block trigger missing.....           | -   | Train pipe bracket missing.....  | 38    |
| Total.....                                | 89  | Cross-over pipe defective.....   | 17    |
| UNCOUPLING MECHANISM                      |     | Hose defective.....  | -     |
| Uncoupling lever broken.....              | 106 | Hose missing.....  | 47    |
| Uncoupling lever wrong.....               | 16  | Hose gasket missing.....   | 1     |
| Uncoupling lever bent.....                | 45  | Retaining valve defective.....   | 41    |
| Uncoupling lever incorrectly applied..... | 9   | Retaining valve missing.....   | 3     |
| Uncoupling lever missing.....             | 29  | Retaining pipe defective.....  | 151   |
| Uncoupling chain broken.....              | 417 | Retaining pipe missing.....  | 3     |
| Uncoupling chain too long.....            | 5   | Brake cut out.....   | 1,399 |
| Uncoupling chain too short.....           | 3   | Brake cut out, card old.....   | 6     |
| Uncoupling chain kinked.....              | 1   | No brake of any kind.....  | 2     |
| Uncoupling chain missing.....             | 37  | Pump missing.....  | -     |
| End casting broken.....                   | 8   | Brake rigging defective.....   | 201   |
| End casting wrong.....                    | -   | Total.....   | 2,925 |
| End casting bent.....                     | 2   | LADDERS  |       |
| End casting loose.....                    | 1   | Ladder round broken.....   | 19    |
| End casting incorrectly applied.....      | -   | Ladder round bent.....   | 141   |
| End casting missing.....                  | 3   | Ladder round loose.....  | 16    |
| Keeper broken.....                        | 9   | Ladder round missing.....  | 7     |
| Keeper wrong.....                         | 1   | Ladder loose.....  | 12    |
| Keeper bent.....                          | 2   | Ladder incorrectly applied.....  | 59    |
| Keeper loose.....                         | 7   | Total.....   | 254   |
| Keeper incorrectly applied.....           | 1   | SILL STEPS   |       |
| Keeper missing.....                       | 13  | Sill step broken.....  | 8     |
| Angle clip loose.....                     | 2   | Sill step bent.....  | 247   |
| Total.....                                | 717 | Sill step loose.....   | 21    |
| HANDHOLDS                                 |     | Sill step incorrectly applied.....                                     | 4     |
| Handhold broken.....                      | 4   | Sill step missing.....   | 10    |
| Handhold bent.....                        | 186 | Total.....   | 290   |
| Handhold loose.....                       | 21  | MISCELLANEOUS—Total.....   |       |
| Handhold incorrectly applied.....         | 11  | Grand Total.....   |       |
| Handhold missing.....                     | 12  | 4,883  |       |
| Total.....                                | 234 |  |       |
| HEIGHT OF COUPLERS                        |     |  |       |
| Coupler too high.....                     | 1   |  |       |
| Coupler too low.....                      | 4   |  |       |
| Carrier iron loose.....                   | 39  |  |       |
| Total.....                                | 44  |  |       |



No. 21A.—STATEMENT of Defects on Freight Cars Shown Separately for Two Years Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Twelve Months Ending December 31, 1921.

|                         | 1918  | 1919  | Nine months ending Dec. 31, 1919 | Twelve months ending Dec. 31, 1920 | 1921  | Total  |
|-------------------------|-------|-------|----------------------------------|------------------------------------|-------|--------|
| Couplers and parts..... | 51    | 109   | 71                               | 139                                | 89    | 462    |
| Uncoupling mechanism .  | 470   | 809   | 398                              | 657                                | 717   | 3,051  |
| Handholds.....          | 158   | 152   | 55                               | 123                                | 234   | 722    |
| Air brakes.....         | 1,710 | 2,959 | 1,507                            | 2,318                              | 2,925 | 11,419 |
| Ladders.....            | 97    | 142   | 71                               | 166                                | 254   | 730    |
| Sill steps.....         | 158   | 236   | 179                              | 249                                | 290   | 1,112  |
| Height of couplers..... | 6     | 11    | 9                                | 21                                 | 44    | 91     |
| Miscellaneous... ..     | 214   | 342   | 92                               | 97                                 | 330   | 1,075  |
|                         | 2,867 | 4,760 | 2,382                            | 3,770                              | 4,883 | 18,662 |



SESSIONAL PAPER No. 20c

No. 21B.—STATEMENT of Cars Inspected and Defective Shown Separately for Two Years Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Twelve Months Ending December 31, 1921.

|                           | 1918   | 1919   | Nine<br>months<br>ending<br>Dec. 31st<br>1919 | Twelve<br>months<br>ending<br>Dec. 31st,<br>1920 | 1921   | Total   |
|---------------------------|--------|--------|---|--|--------|---------|
| Cars inspected.....       | 52,224 | 77,261 | 45,781  | 66,108   | 76,789 | 318,253 |
| Cars defective.....       | 2,499  | 4,232  | 2,142   | 3,135  | 4,352  | 16,360  |
| Percentage defective..... | 4.79   | 5.48   | 4.67  | 4.74   | 5.66   | 5.10    |



















APPENDIX " E "

REPORT OF THE CHIEF FIRE INSPECTOR OF THE BOARD FOR THE  
TWELVE MONTHS ENDING DECEMBER 31, 1921.

Mr. A. D. CARTWRIGHT,  
Secretary, Board of Railway Commissioners,  
Ottawa.

SIR,—I have the honour to submit for the seventeenth annual report of the Board, the annual report of the Fire Inspection Department for year ending December 31, 1921.

ORGANIZATION

As in previous years, co-operation has been maintained with the several Dominion and provincial forest protective organizations, under which certain officials and employees of such organizations have been designated as local inspectors for the Fire Inspection Department.

RAILWAY FIRE PATROLS

There is a distinct tendency toward placing more and more reliance upon the section forces and other regular employees of the railway, in connection with the maintenance of patrols, including the reporting and extinguishing of fires. Progress in this direction has been made on a number of railways, including particularly the Canadian Pacific Eastern and Western lines, where special patrol by section forces has now become the standard requirement, subject to certain stated stipulations calculated to ensure efficient service.

This method of handling special patrols is not, however, adapted to railway lines where the right of way is not, generally speaking, in good condition, or where section crews are so depleted that they can not be expected to be able to spare the time required for this duty. Close supervision is also required where special patrols are to be maintained by section forces, to ensure that the service will actually be performed. Where the work is properly done, however, excellent results are secured, although very possibly at a higher cost than where special men are provided for patrol service. On the other hand, more efficient protection may be secured through placing the responsibility upon the regular organization of the railway company.

FIRE STATISTICS

A grand total of 1,505 fires from all causes were reported as having originated within 300 feet of railway lines in forested territory, along railways subject to the jurisdiction of the Board, as follows:—

| Provinces                  | Number of<br>Fires | Per cent<br>of Total |
|----------------------------|--------------------|----------------------|
| British Columbia .. . . .  | 529                | 35.2                 |
| Prairie Provinces .. . . . | 345                | 22.9                 |
| Ontario.....               | 301                | 20.0                 |
| Quebec .. . . .            | 211                | 14.0                 |
| New Brunswick .. . . .     | 32                 | 2.1                  |
| Nova Scotia.....           | 87                 | 5.8                  |
| Totals.....                | 1,505              | 100.0                |



## SESSIONAL PAPER No. 20c

Of this grand total 641, or 42.6 per cent, are class A fires, covering less than one-fourth acre each, and doing no damage, while 864, or 57.4 per cent, are class B fires, which burned over 101,616 acres and destroyed forest growth, and forest products valued at \$138,878, and other property valued at \$23,737, a total of \$162,615.

Of the grand total, 1,160 fires, or 77.1 per cent, were definitely attributed to railway agencies; 101 fires, or 6.7 per cent, to known causes other than railways; and 244 fires, or 16.2 per cent, to unknown causes.

Of the total area of 101,616 acres burned over, 73.3 per cent is chargeable to railway causes, 17.8 per cent to known causes other than railways, and 8.9 per cent to unknown causes.

Of the total estimated damage, amounting to \$162,615, the railways are definitely charged with 39.3 per cent, 42.5 per cent is due to known causes other than railways, and 18.2 per cent to unknown causes.

Of the 1,160 fires which the railways are definitely charged with having caused 1,093, or 72.6 per cent of the grand total, are attributed to sparks from locomotive stacks and fire escaping from ashpans of locomotives, and 67 fires, or 4.5 per cent of the grand total, to employees.

The number of fires set by locomotive sparks still continues high, particularly on Canadian National Western Lines. This may in part still be attributed to the partial use as locomotive fuel, particularly in northern Alberta, of sub-bituminous non-coking coal with standard front-end fire-protective appliances. Experience here and elsewhere shows that where this class of coal is to be used as locomotive fuel, special spark-arresting devices are essential, in the public interest, as well as in that of the railways.



SUMMARY of Reports on Fires in Forest Sections originating within 300 feet of Track on Railway Lines subject to the Jurisdiction of the Board of Railway Commissioners for Canada, Season of 1921.

|  | Canadian Pacific (Western Lines) (a) | Canadian Pacific (Eastern Lines) (b) | Canadian National (Western Lines) (c) | Canadian National (Eastern Lines) (d) | Grand Trunk | Great Northern | Edmonton Dunvegan and British Columbia | Algoma (Central and Hudson Bay | Miscellaneous (e) | Totals    |
|--|--------------------------------------|--------------------------------------|---------------------------------------|---------------------------------------|-------------|----------------|--|--------------------------------|-------------------|-----------|
| A. RAILWAY FIRES                               |                                      |                                      |                                       |                                       |             |                |  |                                |                   |           |
| 1. Number by Cause —                           |                                      |                                      |                                       |                                       |             |                |  |                                |                   |           |
| (a) Locomotives, Class A fires.....            | 135                                  | 41                                   | 237                                   | 75                                    | 5           | 24             | 2                                      | ..                             | 15                | 534       |
| Locomotives, Class B fires.....                | 121                                  | 115                                  | 195                                   | 71                                    | 7           | 25             | 5                                      | 1                              | 19                | 559       |
| (b) Employees, Class A fires.....              | 3                                    | ..                                   | 3                                     | 1                                     | ..          | ..             | ..                                     | ..                             | ..                | 7         |
| Employees, Class B fires.....                  | 11                                   | 9                                    | 21                                    | 17                                    | 1           | ..             | ..                                     | ..                             | 1                 | 60        |
| (c) Total of Class A fires.....                | 138                                  | 41                                   | 240                                   | 76                                    | 5           | 24             | 2                                      | ..                             | 15                | 541       |
| Total of Class B fires.....                    | 132                                  | 124                                  | 216                                   | 88                                    | 8           | 25             | 5                                      | 1                              | 20                | 619       |
| Total of all railway fires.....                | 270                                  | 165                                  | 456                                   | 164                                   | 13          | 49             | 7                                      | 1                              | 35                | 1,160     |
| 2. Areas burned (Acres) —                      |                                      |                                      |                                       |                                       |             |                |  |                                |                   |           |
| (a) Young forest growth.....                   | 32                                   | 3,336                                | 284                                   | 9,667                                 | 10          | 599            | 2                                      | 25                             | 3,326             | 17,281    |
| Timber land.....                               | 32                                   | 117                                  | 50                                    | 10,633                                | ..          | 42             | ..                                     | 25                             | 110               | 11,009    |
| (b) Slashing or old burn.....                  | 299                                  | 860                                  | 1,467                                 | 18,926                                | 513         | 1,436          | 20                                     | 100                            | 340               | 23,961    |
| (c) Other classes of land.....                 | 1,337                                | 3,635                                | 3,816                                 | 10,659                                | ..          | 2,548          | 2                                      | ..                             | 217               | 22,214    |
| (d) Total.....                                 | 1,700                                | 7,948                                | 5,617                                 | 49,885                                | 523         | 4,625          | 24                                     | 150                            | 3,993             | 74,465    |
| 3. Value of property destroyed —               |                                      |                                      |                                       |                                       |             |                |  |                                |                   |           |
| (a) Young forest growth.....                   | \$ 75                                | \$ 1,958                             | \$ 674                                | \$ 6,067                              | \$ ..       | \$ 2,918       | \$ 4                                   | \$ 15                          | \$ 18,400         | \$ 30,111 |
| Standing timber.....                           | 157                                  | 1,162                                | 263                                   | 15,857                                | ..          | 29             | ..                                     | 30                             | 675               | 18,173    |
| (b) Forest products.....                       | 120                                  | 19                                   | 1,075                                 | ..                                    | ..          | ..             | ..                                     | ..                             | ..                | 1,214     |
| (c) Other property.....                        | 91                                   | 5,080                                | 1,899                                 | 2,934                                 | 346         | 3,251          | ..                                     | ..                             | 740               | 14,341    |
| (d) Total.....                                 | \$ 443                               | \$ 8,219                             | \$ 3,911                              | \$ 24,858                             | \$ 346      | \$ 6,198       | \$ 4                                   | \$ 45                          | \$ 19,815         | \$ 63,839 |
| B. KNOWN CAUSES OTHER THAN RAILWAY FIRES       |                                      |                                      |                                       |                                       |             |                |  |                                |                   |           |
| 1. Number by Cause —                           |                                      |                                      |                                       |                                       |             |                |  |                                |                   |           |
| (a) Campers and travellers, Class A fires..... | 9                                    | 1                                    | 3                                     | 1                                     | ..          | 1              | 1                                      | ..                             | ..                | 16        |
| Campers and travellers, Class B fires.....     | 7                                    | 6                                    | ..                                    | 6                                     | ..          | ..             | 3                                      | 1                              | 1                 | 24        |
| (b) Settlers, Class A fires.....               | ..                                   | ..                                   | 1                                     | 2                                     | ..          | ..             | ..                                     | ..                             | ..                | 3         |
| Settlers, Class B fires.....                   | 1                                    | 8                                    | 4                                     | 17                                    | ..          | ..             | ..                                     | ..                             | 1                 | 31        |



[illegible]



SUMMARY of Reports on Fires in Forest Sections originating within 300 feet of Track on Railway Lines subject to the Jurisdiction of the Board of Railway Commissioners for Canada, Season of 1921.—*Concluded.*

|                                      | Canadian Pacific (Western Lines)(a) | Canadian Pacific (Eastern Lines) (b) | Canadian National (Western Lines) (c) | Canadian National (Eastern Lines) (c) | Grand Trunk | Great Northern | Edmonton Dunvegan and British Columbia | Algoma Central and Hudson Bay | Miscellaneous (e) | Totals    |
|--------------------------------------|-------------------------------------|--------------------------------------|---------------------------------------|---------------------------------------|-------------|----------------|--|-------------------------------|-------------------|-----------|
| D. GRAND TOTALS FOR ALL CAUSES       |                                     |                                      |                                       |                                       |             |                |  |                               |                   |           |
| 1. Number—                           |                                     |                                      |                                       |                                       |             |                |  |                               |                   |           |
| (a) Total of all Class A fires.....  | 167                                 | 64                                   | 259                                   | 96                                    | 7           | 25             | 4                                      | 2                             | 17                | 641       |
| (b) Total of all Class B fires.....  | 167                                 | 212                                  | 245                                   | 149                                   | 8           | 25             | 8                                      | 16                            | 34                | 864       |
| (c) Total of all fires reported..... | 334                                 | 276                                  | 504                                   | 245                                   | 15          | 50             | 12                                     | 18                            | 51                | 1,505     |
| 2. Areas burned (Acres)—             |                                     |                                      |                                       |                                       |             |                |  |                               |                   |           |
| (a) Young forest growth.....         | 36                                  | 3,596                                | 288                                   | 9,830                                 | 10          | 599            | 2                                      | 1,611                         | 5,656             | 21,628    |
| (b) Timber land.....                 | 2,033                               | 126                                  | 50                                    | 10,637                                | .....       | 42             | .....                                  | 2,766                         | 310               | 15,964    |
| (c) Slashing or old burn.....        | 10,384                              | 1,276                                | 2,748                                 | 19,861                                | 513         | 1,436          | 20                                     | 2,605                         | 620               | 39,463    |
| (d) Other classes of land.....       | 1,398                               | 4,330                                | 4,378                                 | 10,764                                | .....       | 2,548          | 8                                      | 873                           | 262               | 24,561    |
| (e) Total....                        | 13,851                              | 9,328                                | 7,464                                 | 51,092                                | 523         | 4,625          | 30                                     | 7,855                         | 6,848             | 101,616   |
| 3. Value of property destroyed—      |                                     |                                      |                                       |                                       |             |                |  |                               |                   |           |
| (a) Young forest growth.....         | \$ 76                               | \$ 2,366                             | \$ 674                                | \$ 6,624                              | .....       | \$ 2,918       | \$ 4                                   | 805                           | \$19,278          | \$ 32,745 |
| (b) Standing timber.....             | 1,657                               | 1,212                                | 263                                   | 15,918                                | .....       | 29             | .....                                  | 1,465                         | 1,035             | 21,579    |
| (c) Forest products.....             | 21,337                              | 219                                  | 62,254                                | 6                                     | .....       | .....          | .....                                  | .....                         | 738               | 84,554    |
| (d) Other property.....              | 2,112                               | 7,164                                | 2,218                                 | 6,030                                 | 352         | 3,501          | .....                                  | 400                           | 1,960             | 23,737    |
| (e) Total....                        | \$25,182                            | \$10,961                             | \$64,669                              | \$28,578                              | \$ 352      | \$ 6,448       | \$ 4                                   | \$ 2,670                      | \$23,011          | \$162,615 |

(a) Includes Esquimalt and Nanaimo and Kettle Valley Railways.  
(b) Includes Dominion Atlantic, Fredericton and Grand Lake Coal and Railway, New Brunswick Coal and Railway and Quebec Central Railway.  
(c) Includes Canadian National Railway lines subject to the Board's jurisdiction. Excludes Canadian Government Railways (Transcontinental, Intercolonial and Hudson Bay Railways.)  
(d) Includes Halifax and South Western Railway.  
(e) Includes following lines: Algoma Eastern; Atlantic, Quebec and Western; Boston and Maine; Cumberland Railway and Coal Company; Maritime Coal Railway and Power Company; Maine Central; Quebec Oriental; Temiscouata.  
NOTE:—No fires were reported during 1921 as originating within 300 feet of track along the following lines: Ottawa and New York; Quebec, Montreal and Southern; Western Power Company of Canada; White Pass and Yukon Route.  
Class A fires are those which cover an area of less than one-fourth acre.  
Class B fires are those which cover an area of one-fourth acre or more.



SESSIONAL PAPER No. 20c

## FIRE GUARD STATISTICS

The statistical fireguard report for 1921 shows 14,784.21 track miles of railway lines in the Prairie Provinces subject to the fireguard requirements, an increase of 473.61 miles over 1920. This is equivalent to 29,568.42 fireguard miles, since fireguards are required to be maintained on both sides of the track.

The report indicates that 10,270.51 miles of fireguards were constructed or maintained during the past year, and 19,297.91 miles were, for various reasons, not constructed. Of this, there were exempted by this department, 8,990.74 miles; owner of land refused to allow construction, 144.15 miles; land already ploughed, 2,842.07 miles; grain stubble and cultivated hay lands not fireguarded by owner, 5,583.29 miles. Thus, as to a total of 17,560.25 miles of fireguards not constructed, the reasons assigned by the companies were considered acceptable, leaving 1,737.66 miles unaccounted for, but which presumably should have been fireguarded.

SUMMARY of Fireguard Construction and Maintenance by Railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1921.

|  | Edmonton,<br>Dunvegan<br>and British<br>Columbia<br>and<br>Central<br>Canada | Great<br>Northern | Canadian<br>National | Canadian<br>Pacific | Totals    |
|--|--|-------------------|----------------------|---------------------|-----------|
| Length in track miles.....                               | 455.30   | 162.38            | 7,762.60             | 6,403.93            | 14,784.21 |
| Length in fireguard miles <sup>1</sup> .....             | 910.60   | 324.76            | 15,525.20            | 12,807.86           | 29,568.42 |
| Fire guards constructed (shown in fire-guard miles)—     |  |                   |                      |                     |           |
| Grain stubble lands } Fireguarded                        | 30.70  | 200.50            | 1,438.05             | 2,081.05            | 3,750.30  |
| Cultivated hay lands } by owner.                         | 4.50   | 40.00             | 229.80               | 150.55              | 424.85    |
| Fenced grazing lands.....                                | 0.50   | 49.00             | 1,023.58             | 2,043.33            | 3,116.41  |
| Wild lands.....  |  | 1.50              | 1,266.75             | 1,710.70            | 2,978.95  |
| Total miles of fire-guards constructed.                  | 35.70  | 291.00            | 3,958.18             | 5,985.63            | 10,270.51 |
| Fire-guards not constructed (shown in fire-guard miles)— |  |                   |                      |                     |           |
| Exemptions <sup>2</sup> .....                            | 778.70   | 30.00             | 5,615.04             | 2,567.00            | 8,990.74  |
| Owner refuses to allow construction <sup>3</sup> ...     |  |                   | 27.50                | 116.65              | 144.15    |
| Unnecessary; land already plowed <sup>4</sup> ...        | 6.00   |                   | 1,460.78             | 1,375.29            | 2,842.07  |
| Grain stubble lands } Not fireguarded                    | 56.50  |                   | 3,203.67             | 1,779.75            | 5,039.92  |
| Cultivated hay lands } by owner <sup>5</sup>             | 7.40   |                   | 380.37               | 155.60              | 543.37    |
| Miscellaneous other reasons.....                         | 26.30  | 3.76              | 879.66               | 827.94              | 1,737.66  |
| Total miles of fire-guards not constructed               | 874.90   | 33.76             | 11,567.02            | 6,822.23            | 19,297.91 |

<sup>1</sup> Fire-guard mileage is double the track mileage, since the construction of fire-guards is required on both sides of the track.

<sup>2</sup> Company exempted from fire-guard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

<sup>3</sup> Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fire-guards.

<sup>4</sup> Fire-guarding unnecessary, because fields already plowed.

<sup>5</sup> Fire-guarding in grain stubble and in cultivated hay lands required only where the land owner or occupant will undertake to plow guard at the reasonable price specified by the Board, to be paid by the railway company.

## FIRE-PROTECTIVE APPLIANCES ON LOCOMOTIVES

During the fire season, 2,861 inspections of fire protective appliances on locomotives, operating through forested territory, were made by officers of the Fire Inspection Department. Of this total, the fire-protective appliances of 291 locomotives, or 10.2 per cent, were found to be in a defective condition.



12 GEORGE V, A. 1922

INSPECTIONS of Locomotive Fire-Protective Appliances, 1921. By Fire Inspection Department

| Railway   | Province             | Number Inspected | Number Defective | Per cent Defective |
|---|----------------------|------------------|------------------|--------------------|
| Canadian Pacific, including Quebec Central and Esquimalt and Nanaimo. | New Brunswick.....   | 58               | 28               | 48.3               |
|   | Quebec.....          | 186              | 5                | 2.7                |
|   | Ontario.....         | 720              | 57               | 7.9                |
|   | Prairie Provinces..  | 2                | 0                | 0.0                |
|   | British Columbia...  | 259              | 19               | 7.3                |
| Total.....  |                      | 1,225            | 109              | 8.9                |
| Canadian National Railways . . . . .                                  | Quebec               | 80               | 3                | 3.7                |
|   | Ontario ..           | 508              | 55               | 10.8               |
|   | Prairie Provinces... | 231              | 49               | 21.2               |
|   | British Columbia.    | 241              | 17               | 7.0                |
| Total.....  |                      | 1,060            | 124              | 11.7               |
| Grand Trunk Railway.....  | Quebec               | 29               |                  |                    |
|   | Ontario.....         | 247              | 7                | 2.8                |
| Total.....  |                      | 276              | 7                | 2.5                |
| A.Q. & W. and Q.O.....  | Quebec               | 16               | 2                | 12.5               |
| A.C. & H.B.....   | Ontario ...          | 34               | 7                | 20.6               |
| A. E. ....  | Ontario ..           | 28               | 6                | 21.6               |
| G.N.R.....  | British Columbia..   | 65               | 7                | 10.7               |
| K.V.R.....  | British Columbia.    | 51               | 15               | 29.4               |
| E.D. & B.C.....   | Alberta ..           | 33               | 7                | 21.2               |
| Temiscouata.....  | Quebec ..            | 14               | 2                | 14.3               |
| Maine Central...  | Quebec ..            | 2                | 1                | 50.0               |
| Q.M. & S.....   | Quebec ..            | 27               | 1                | 3.7                |
| B. & M.....   | Quebec.....          | 5                | 1                | 20.0               |
| W.C.P. Co.....  | British Columbia...  | 8                | 2                | 25.0               |
| W.P. & Y.R.....   | Yukon                | 17               |                  |                    |
| Total all railways.....   |                      | 2,861            | 291              | 10.2               |

OIL FUEL

Oil as locomotive fuel was used exclusively on 793 miles of track during the past year, distributed as follows: Canadian National Railways (Grand Trunk Pacific Railway), between Prince George and Prince Rupert, 468 miles; Canadian Pacific Railway, British Columbia District, between Field and Revelstoke, 126 miles; Esquimalt and Nanaimo Railway, 199 miles.

On the Canadian Pacific Railway between Revelstoke and Kamloops, 129 miles, oil fuel was used only on locomotives in passenger service.

The use of oil was totally discontinued on 322 miles of track distributed as follows: all Great Northern Railway lines in Southern British Columbia; Canadian Pacific Railway lines between North Bend and Vancouver, and on the Arrow Lake and Okanagan subdivisions.

Respectfully submitted,

CLYDE LEAVITT,

Chief Fire Inspector, B.R.C.



## APPENDIX " F "

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

## RECORD ROOM

List of cases appealed to the Supreme Court of Canada, from February 1, 1904, to December 31, 1921.

| File No. | Subject   | Decision  |
|----------|---|-----------|
| 643      | Montreal Terminal Railway <i>vs.</i> Montreal Street Railway, Pius IX Ave., upon question of jurisdiction.....  | Allowed   |
| 1455     | James Bay Railway <i>vs.</i> G.T.R., undercrossing at a point near Beaverton, Ont., Lot 13, Con. 7, Tp. of Thorah.....  | Dismissed |
| 1492     | James Bay Railway <i>vs.</i> G.T.R., crossing Belt Line spur. Question of law   | Dismissed |
| 383      | Ottawa Electric Railway and City of Ottawa <i>vs.</i> Canada Atlantic Railway, <i>re</i> Bank St. subway, Ottawa. Question of law.....  | Dismissed |
| 1621     | Toronto Railway Co., against Order 7813, July 3rd, 1909, <i>re</i> high level bridge over Don Improvement and tracks of G.T.R. and C.P.R., Toronto. Question of jurisdiction..... | Dismissed |
| 588      | <i>Re</i> Toronto Union Station. A. R. Williams expropriation. Question of jurisdiction.....  | Dismissed |
| C. 1680  | Essex Terminal Railway and W. E. & L.S.R.R. crossing in the Township of Sandwich, Ont. Question of law.....   | Dismissed |
| C. 1309  | Robinson <i>vs.</i> G.T.R., two-cent rate. Question of law....  | Dismissed |
| 689      | C.P.R. <i>vs.</i> G.T.R. <i>re</i> branch line at London, Ont. Question of jurisdiction.  | Dismissed |
| 1497     | F. D. Robinson <i>vs.</i> C.N.R., spur at Winnipeg. Question of jurisdiction.   | Dismissed |
| 9527     | Montreal Street Railway, <i>re</i> rates, Mount Royal Ward. Question of jurisdiction  | Allowed   |
| C. 1419  | Ontario Department of Agriculture <i>vs.</i> G.T.R., <i>re</i> station at Vineland, Ont. Jurisdiction.....  | Dismissed |
| C. 3322  | <i>Re</i> Toronto Viaduct. Appeal of C.P.R., on question of law.  | Dismissed |
| C. 4597  | <i>Re</i> fencing and cattle guards, Order 7473. Appeal of C.N.R. upon question of jurisdiction   | Allowed   |
| C. 4492  | City of Toronto <i>vs.</i> G.T.R. and C.P.R., <i>re</i> commutation rates. Question of law.....   | Withdrawn |
| C. 3378  | City of Ottawa and County of Carleton <i>re</i> Richmond Road Viaduct. Question of jurisdiction.....  | Dismissed |
| C. 2545  | G.T.R. and C.N.O.R., <i>re</i> spur in Township of Scarboro, Ont. Question of jurisdiction.....   | Dismissed |
| 13079    | G.T.R. <i>vs.</i> British American Oil Cos., <i>re</i> oil rates. Question of law.  | Dismissed |
| C. 3269  | G.T.P.R. <i>vs.</i> City of Fort William, Ont., <i>re</i> location. Question of jurisdiction.....   | Dismissed |
| 1519     | N. St. C. & T. Railway <i>vs.</i> Davy. Question of jurisdiction...   | Allowed   |
| 11965    | Clover Bar Coal Co., and Wm. Humberstone <i>vs.</i> G.T.P. and the Clover Bar Sand and Gravel Co. Question of jurisdiction.....   | Dismissed |
| 15580    | Regina Rates Case. Question of law.....   | Dismissed |
| 12682    | G.T.P.R. <i>vs.</i> A. E. Purcell of Saskatoon, Sask. Question of jurisdiction.   | Dismissed |
| 17963    | C.P.R. <i>vs.</i> British American Oil Companies. Question of jurisdiction....  | Dismissed |
| C. 3269  | G.T.R. and C.P.R. <i>vs.</i> Canadian Oil Companies. Question of jurisdiction   | Dismissed |
| 15330    | B.C. Electric Railway, V.V. & E. Railway <i>vs.</i> City of Vancouver, B.C. Question of jurisdiction.....   | Dismissed |
| 15330.1  | E. B. Chambers and W. B. G. Phair <i>vs.</i> C.P.R. Question of jurisdiction.   | Allowed   |
| 20062    | C.N.R. <i>vs.</i> Wm. A. Taylor. Question of jurisdiction.....  | Dismissed |
| 1487     | G.T.R. <i>vs.</i> City of Edmonton. Question of law.....  | Dismissed |
| 18578    | Montreal Tramways and M.P. & I. Railway <i>vs.</i> Lachine, Jacques Cartier and Maisonneuve Railway. Jurisdiction.....  | Allowed   |
| 19435    | City of Hamilton <i>vs.</i> T.H. & B. Railway. Question of jurisdiction.....  | Allowed   |
| 14329-9  | G.T.R. <i>vs.</i> Hepworth Silica Pressed Brick Co. Question of law.....  | Dismissed |
| 23009    | Toronto Railway Co. and City of Toronto <i>vs.</i> C.P.R. Question of law and jurisdiction.....   | Dismissed |
| 21428    |   |           |
| 12021-70 |   |           |
| 9437-153 |   |           |



List of cases appealed to the Supreme Court of Canada, etc.—*Concluded.*

| File No. | Subject  | Decision  |
|----------|--|-----------|
| C. 3935  | City of Edmonton <i>rs.</i> E.D. & B.C. Railway. Question of law.....  | Dismissed |
| 16171    | Ingersoll Telephone Co., and other <i>rs.</i> Bell Telephone Co. Question of law   | Dismissed |
| 27524    | G.T.R. <i>rs.</i> H. Bourassa of Laprairie, Que. Question of law and jurisdiction  | Withdrawn |
| 13622    | G.N.W. Telegraph Co. submits for opinion of Court a question of law involved in matter of General Order No. 162.....   | Abandoned |
| 27840    | Government of Manitoba and J. H. Ashdown Hardware Co., <i>re</i> 15 per cent increase in freight rates. Question of jurisdiction.....  | Abandoned |
| 26981    | C.P.R. <i>rs.</i> Department of Public Works for Ontario, <i>re</i> crossing in Township of Kirkpatrick. Question of law.....  | Withdrawn |
| 11118    | Esquimalt and Nanaimo Railway <i>re</i> rights of City of Victoria to have access over bridge at Victoria Harbour. Question of jurisdiction.....                                     | Abandoned |
| 28439    | Municipality of Burnaby, B.C., <i>rs.</i> British Columbia Electric Railway, <i>re</i> commutation rates. Question of jurisdiction.....  | Abandoned |
| 28950    | City of Toronto <i>rs.</i> Toronto Terminal Railway <i>re</i> pressure pipes under Bay, Scott, and Yonge streets, Toronto. Question of law.....                                      | Dismissed |
| C. 3378  | Application of Mr. Wegenast for a stated case in <i>re</i> Brampton commutation rates. Question of law.....  | Dismissed |
| C. 2987  | Ottawa Electric Railway, against Order of Board disallowing proposed increase in passenger rates. Question of jurisdiction.....  | Allowed   |
| 21404-6  | Board submits stated case for the opinion of the Court on question of jurisdiction in the matter of British Columbia Electric Railway Company's application for increased rates..... | Abandoned |

SUMMARY

|                |    |
|----------------|----|
| Dismissed..... | 28 |
| Allowed.....   | 9  |
| Abandoned..... | 5  |
| Withdrawn..... | 3  |
| Total.....     | 45 |



SESSIONAL PAPER No. 20c

List of Appeals to the Governor in Council, February 1, 1904, to December 31, 1921.

| File No. | Subject   | Decision      |
|----------|---|---------------|
| 399      | Bay of Quinte Railway crossing C.P.R., at Tweed, Ont.....   | Dismissed.    |
| 1455     | James Bay Railway <i>rs.</i> G.T.R., crossing near Beaverton.....   | Dismissed     |
| 1781     | G.T.R. <i>rs.</i> City of Chatham, Ont. Street crossings  | Dismissed     |
| 12992    | Maniwaki Branch of C.P.R., train service from Ottawa  | Referred back |
| 2030     | <i>Re</i> tariffs of certain Yukon railways.....  | Dismissed     |
| 17716    | C.P.R.—Longue Pointe Spur through Town of Maisonneuve, Que.   | Dismissed     |
| 18787    | South Hazelton Townsite <i>rs.</i> G.T.P.R.....   | Allowed       |
| 3452-30  | J. Y. Rochester <i>re</i> Cameron Bay <i>rs.</i> G.T.P.R.....   | Dismissed     |
| 12912    | Park Avenue, Subway, Town of St. Louis, Que., <i>rs.</i> C.P.R  | Dismissed     |
| 17040    | Lambton to Weston spur and C.P.R.....   | Abandoned     |
| C. 3322  | Toronto Viaduct Case.....   | Dismissed     |
| 12021-70 | City of Toronto <i>re</i> North Toronto grade separation.....   | Dismissed     |
| 16177    | C.P.R. <i>rs.</i> Mountain Lumber Manufacturers Association <i>re</i> lumber rates  | Withdrawn     |
| 19024    | Charles Miller of Toronto <i>rs.</i> G.T.P.R. <i>re</i> station at Prince George, B.C.  | Dismissed     |
| 17716-10 | C.P.R. <i>rs.</i> Town of Maisonneuve, Que. Highway crossings   | Dismissed     |
| 22681-25 | City of Montreal <i>rs.</i> C.N.R., siding across Stadacona and Marlboro Streets, Montreal, Que.....  | Abandoned     |
| 21418    | City of Prince George, B.C., <i>re</i> location of G.T.P.R. station between Oak and Ash Streets   | Dismissed     |
| 21660    | C.N.O.R. <i>rs.</i> Township of Loughboro, Ont.....   | Dismissed     |
| 26169    | C.P.R. and C.N.R. Companies, <i>re</i> interswitching at Eastern Public Cattle Market, Montreal.....  | Abandoned     |
| 17040    | C.P.R. <i>re</i> Lambton to Weston Spur. (2nd Appeal).....  | Referred back |
| 27693    | City of Hamilton <i>rs.</i> G.T.R. <i>re</i> passenger service on Northern and N. W. Branch, between Hamilton and Burlington Beach and Town of Burlington, Ont. ....                                | Abandoned     |
| 27840    | Winnipeg Board of Trade <i>re</i> 15 per cent increase in rates   | Dismissed     |
| 28439-3  | Town of St. Lambert, Que., <i>re</i> increase in rates on the Montreal and Southern Counties Railway.....   | Dismissed     |
| 28230    | City of Hamilton, Ont., <i>re</i> Kinnear Yard, Hamilton.....   | Referred back |
| 29040-2  | National Dairy Council of Canada on behalf of Canadian Association of Ice Cream Manufacturers, <i>re</i> classification of ice cream.....   | Referred back |
| C. 955   | Proprietors' League of Montreal, <i>re</i> increase in Bell Telephone rates   | Dismissed     |
| 30434    | City of Windsor, Ont., for order rescinding Order of Board No. 30028 authorizing C.P.R. to construct tracks of proposed freight shed at grade across unopened portion of Caron Avenue, Windsor..... | Dismissed     |
| 29996    | City of Toronto against General Order No. 308 authorizing a general increase in freight rates.....  | Referred back |
| C. 955   | City of Toronto against Judgment of Board dated April 13, 1921, providing for increase in Bell Telephone rates.....   | Abandoned     |
| 23092-2  | C.N.Q. Railway Company, against Order No. 31312 <i>re</i> crossing Pointe aux Trembles Terminal Railway at Pointe aux Trembles, Que.....  | Pending       |

## SUMMARY

|                    |    |
|--------------------|----|
| Dismissed.....     | 17 |
| Referred back..... | 5  |
| Abandoned.....     | 5  |
| Withdrawn.....     | 1  |
| Allowed.....       | 1  |
| Pending.....       | 1  |
| Total              | 30 |



## APPENDIX " G "

LIST OF GENERAL ORDERS AND CIRCULARS OF THE BOARD FOR THE  
YEAR ENDING DECEMBER 31, 1921

## GENERAL ORDER No. 326

*In the matter of the rate of exchange in connection with shipments of freight between points in Canada and points in the United States.*

File Nos. 29674.1-2

Upon the matter being brought to the attention of the various railway companies and the Railway Association of Canada at the sittings of the Board held in Ottawa, December 14, 1920; and upon conferences subsequently held between the Board and representatives of the railway companies, boards of trade, and trade organizations,—

*The Board Orders:* That the railway companies subject to its jurisdiction be, and they are hereby, permitted to publish and file tariffs, effective January 22, 1921, showing, *inter alia*, the following, namely:—

" EXCHANGE SURCHARGE ON INTERNATIONAL SHIPMENTS, OTHER THAN COAL AND COKE, TO BE ADDED TO THE TOTAL THROUGH CHARGES, INCLUDING ADVANCED CHARGES PAYABLE TO UNITED STATES CARRIERS, WHEN PAYABLE AND COLLECTED IN CANADA.

" 1. A surcharge of sixty per cent of the rate of exchange, arrived at in accordance with the provisions of this tariff, will be added to the total through charges, including advanced charges payable to United States carriers, on all shipments between Canada and the United States, in both directions, when such charges are payable and collected in Canada. When all charges are paid at United States points in United States funds, this surcharge will not be added.

" 2. On shipments from Canada, the surcharge must be collected at the rate governing on the date of the bill of lading; and on shipments to Canada, at the rate governing on the date of advice note of arrival at the Canadian destination. Such surcharge will accrue entirely to the Canadian carrier.

" 3. Telegraphic advice will be sent to railway agents in Canada on the last day of each month, specifying the surcharge to be collected from the first to the fourteenth (inclusive) of the following month; and on the fourteenth day of each month, specifying the surcharge to be collected from the fifteenth to the last day (inclusive) of such month. Agents must file such telegraphic advice with this tariff. The surcharge must be shown as a separate item on all bills of lading and waybills for outbound shipments and on all freight expense bills.

" *Exception.*—This tariff does not apply to export and import traffic from or to points of origin or destination in the United States via Canadian ports, on which all charges must be collected in United States currency or its equivalent.

" *NOTE.*—In arriving at the surcharge, the rate of exchange quoted for New York funds by the Bank of Montreal at noon in Montreal on the last day of each month will govern from the first to the fourteenth (inclusive) of the following month; similarly, such quotation at noon on the fourteenth will govern



## SESSIONAL PAPER No. 20c

from the fifteenth to the last day (inclusive) of such month. Should the governing date fall on a Sunday or Canadian or United States legal holiday, the noon quotation of the preceding day will govern.

"In determining the surcharge, fractions less than one-half will be disregarded and fractions of one-half or over will be counted as one per cent.

"The rate of exchange quoted for New York funds by the Bank of Montreal at noon, in Montreal, on the 21st January, will govern from the 22nd to the 31st, inclusive."

*And the Board further Orders:* That, until otherwise ordered, the companies make monthly returns to the Board showing the amount of surcharges collected.

F. B. CARVELL,  
*Chief Commissioner.*

OTTAWA, January 14, 1921.

---

GENERAL ORDER No. 327

*In the matter of the application of the Express Traffic Association of Canada, on behalf of the express companies subject to the jurisdiction of the Board, for an increase of forty per cent in the tolls at present in effect.*

File No. 30380

Upon hearing the application at the sittings of the Board held in Toronto, Saskatoon, Edmonton, Prince Rupert, Victoria, Vancouver, Vernon, Nelson, Medicine Hat, Calgary, Regina, Winnipeg, Fort William, Moncton, Halifax, St. John, Montreal, and Ottawa on September 2 and 30, October 1, 6, 11, 13, 14, 18, 20, 22, 23, 26, and 27, November 15, 16, 18, and 19, and December 1 and 13, 1920, in the presence of counsel for and representatives of the Express Companies, the Express Traffic Association of Canada, the cities of Montreal and Toronto, Boards of Trade of Toronto, Saskatoon, Edmonton, Vancouver, Nelson, Calgary, Fort William, Sault Ste. Marie, Montreal, and Halifax, the Montreal Chamber of Commerce, Department of Agriculture for the Dominion Government, Department of Agriculture for Nova Scotia, Canadian Manufacturers' Association, Canadian Fisheries Association, Fisheries and Produce Association, British Columbia Fisheries, National Dairy Council, Canadian Creamery Association, Canadian Produce Association, United Farmers of Ontario, United Farmers of Alberta, United Fruit Growers, Niagara Fruit Growers, shippers of produce from Prince Edward Island and certain other shippers of fresh fish, Church & Company, Saskatoon Bread Company, Saskatoon Pure Milk Company, Modern Steam Laundry of Saskatoon, Saskatchewan Dairymen's Association, Alberta Dairy Association, Ogilvie Flour Mills Company, Alberta Box Company, Vernon Fruit Company, Calgary Brewing & Malting Company and Stock Growers' Protective Association, and what was alleged, and upon reading the written submissions filed, judgment, dated February 2, 1921, was delivered by the Chief Commissioner and concurred in by the other members of the Board who heard the application, a certified copy of the said judgment being attached hereto marked "A",—

*The Board Orders:* That the changes in the tariffs of the express companies subject to the jurisdiction of the Board, as set forth in the judgment, which is hereby made part of this Order, be, and they are hereby, authorized.

F. B. CARVELL,  
*Chief Commissioner.*

OTTAWA, February 2, 1921.

---



12 GEORGE V, A. 1922

## GENERAL ORDER No. 328

*In the matter of the question of the coal supply in Canada, and the General Order of the Board No. 301, dated July 22, 1920, prohibiting the exportation of coal from the Atlantic, St. Lawrence River and Gulf ports of Canada, except to the United States or to Newfoundland, unless otherwise permitted by the Board, as amended by General Order No. 312, dated September 24, 1920.*

File No. 30331.51

Upon its appearing to the Board that there is not now a real or apprehended scarcity of coal rendering a continuance of the said orders necessary or advisable for the purpose of providing adequate coal supplies within Canada; and in pursuance of the powers conferred by the Act of the Parliament of Canada, chapter 66, 1920,—

*The Board Therefore Orders:* That the said General Orders Nos. 301 and 312, dated respectively July 22, 1920, and September 24, 1920, be, and they are hereby, rescinded.

F. B. CARVELL,  
Chief Commissioner.

OTTAWA, February 12, 1921.

## GENERAL ORDER No. 329

*In the matter of the consideration of the question of authorizing the use of the Hart type of wooden packing for frogs, wing rails, guard rails, and switches, under the provisions of Section 282, of the Railway Act, 1919, on railways subject to the jurisdiction of the Board.*

File No. 29343.1

Upon hearing the matter at the sittings of the Board held in Ottawa, February 1, 1921, the Canadian Pacific Railway Company, New York Central Railroad Company, Canadian National Railways, and Michigan Central Railroad Company being represented by counsel at the hearing, and what was alleged,—

*The Board Orders:* That the use of the Hart type of wooden packing for frogs, wing rails, guard rails, and switches on railways subject to the jurisdiction of the Board, be, and it is hereby, authorized.

F. B. CARVELL,  
Chief Commissioner.

OTTAWA, February 17, 1921.

## GENERAL ORDER No. 330

*In the matter of the suggested Uniform Regulations regarding the Inspection of Railway Steam Boilers, other than Locomotive Boilers.*

File No. 29110.1

Upon hearing the matter at the sittings of the Board held in Ottawa, January 18, 1921, the Canadian National Railways, Grand Trunk and Canadian Pacific Railway



## SESSIONAL PAPER No. 20c

Companies, and Michigan Central and New York Central Railroad Companies being represented at the hearing, and what was alleged; in pursuance of the powers conferred upon the Board by section 287 of the Railway Act, 1919, and of all other powers possessed by it in that behalf; and upon the report and recommendation of the Chief Operating Officer of the Board,—

*The Board Orders:* That the railway companies subject to its jurisdiction adopt and put into force, not later than the first day of June, 1921, the Regulations Regarding the Inspection of Railway Steam Boilers, other than Locomotive Boilers, namely:—

## I

These rules shall apply to all steam boilers and their appurtenances operated by railway companies within the jurisdiction of the Board, except boilers of locomotives or boilers used solely for heating, which carry pressure not exceeding fifteen pounds per square inch.

## II

The chief mechanical officer of each railway company will be held responsible for the general design, construction, and inspection of all boilers covered by these rules. He must know that all inspections are made in accordance with the rules, and that the defects disclosed by any inspections are properly repaired before the boiler is returned to service.

## III

The working pressure of each boiler shall be determined by the mechanical engineer, using the formula commonly used in determining safe working pressure, and after a thorough inspection and report by a competent inspector. The minimum factor of safety allowed shall be four.

In determining safe working pressure, the maximum allowable stress shall be 7,500 pounds per square inch for stay-bolts and 9,000 pounds per square inch for round or rectangular braces supporting flat surfaces.

## IV

Each boiler shall be given a serial number by the operating railroad. A metal badge plate showing this number and the safe working pressure shall be attached to each boiler.

## V

Specifications of each boiler shall be kept on file in the office of the chief mechanical officer of the railway company. Within one year after this rule becomes effective, each railway company will file report (Form 1) with the chief mechanical officer of the railway company and a copy with the Board, for each boiler subject to these rules, giving all the data called for thereon.

## VI

Each boiler shall have at least one safety valve of sufficient capacity to prevent an accumulation of pressure more than five per cent above the working pressure, and shall be connected direct to the boiler.

Safety valves shall be set at pressure not to exceed six pounds above the allowed working pressure.

Working safety valves on boiler shall be tested each day boiler is in use. Failure of safety valve to open before an excess pressure of ten pounds has been reached must immediately be reported to the proper authority and repairs made.

Not less frequently than once each six months, all safety valves on boiler shall be tested and adjustment made if necessary. At this test, as well as at all other tests where the safety valves are adjusted, two steam gauges shall be used, one of which shall be in full view of the person adjusting the valves.

## VII

Each boiler shall have a steam gauge, graduated to at least fifty pounds above the working pressure, connected direct to steam space of boiler, equipped with a suitable siphon and with no more than one cock or valve between boiler and gauge. This cock to be located near steam gauge.



12 GEORGE V, A. 1922

Steam gauges shall be tested at least once each six months, or whenever any irregularity is shown, and shall also be tested before any adjustment is made of the safety valves. Each time gauge is tested siphon pipe and cock must be cleaned and examined.

### VIII

Each boiler shall have at least three gauge cocks and one waterglass, so located that the lowest reading shall be at least three inches above the lowest safe water line. Each water glass shall be equipped with a valve at each end of glass and with a blow-off or drain at bottom of glass. Gauge cocks, waterglass, and water column valves, cocks, and connection shall be maintained in an operative condition, free from leaks, and shall be cleaned of scale each time boiler is washed.

Suitable lights shall be provided for waterglass and steam gauge.

## ANNUAL INSPECTION

### IX

Before being placed in service, and not less than once each twelve months thereafter, each boiler shall be subjected to a hydrostatic pressure 25 per cent greater than the working pressure, and the boiler and appurtenances carefully examined while under pressure.

After hydrostatic pressure has been applied, a thorough inspection shall be made of every accessible part of the boiler. Manholes shall be removed to permit of interior inspection.

Boiler having lap joint longitudinal seams should be examined with special care, to detect grooving or cracks at edge of seams.

Water tube boilers should be examined with special care, to detect blistering on the tubes, tubes bending, and leakage or corrosion where tubes are fastened to headers.

Soot and cinders shall be cleaned from furnace and combustion chamber, and a thorough inspection made of the brick lining and setting, the fire wall, baffles, and grates.

Threaded and flange joints on steam header, steam pipe, and blow-off line shall be examined carefully for signs of corrosion or wasting.

After repairs are completed, the boiler must be fired up, safety valves set, and boiler and appurtenances examined. All cocks, valves, seams, pipes, flanges, and joints must be tight under this pressure.

All defects disclosed by any of the above inspections must be repaired before the boiler is returned to use.

A certified report of the inspection and repairs (Form 3) shall be filed with the chief mechanical officer of the railway company, and a copy sent to the Board.

### X

Locomotive type boilers working under a pressure of 125 pounds or more should have the staybolts tested at least once each six months. Locomotive type boilers working under a pressure of less than 125 pounds, and vertical type boilers, to have staybolts tested annually. No boiler shall remain in service with five or more broken staybolts.

### XI

Boilers shall be thoroughly washed as often as water conditions require. Special care shall be given to water tube boilers, to prevent an accumulation of scale in the tubes, and the tubes must be scraped if necessary. At washout periods, soot, ashes, and cinders shall be cleaned from furnace and combustion chamber, and brick lining, setting, and fire-wall examined.

## SEMI-ANNUAL INSPECTION

### XI-A

Not less frequently than once each six months, an inspection of the boiler under steam shall be made by a competent inspector. He shall test the safety valves, gauge cocks, and waterglass, blow-off valve, examine and test the feed pump or injectors, examine steam pipes for leaks, giving close attention to leaks around threaded joints, see that pipes are well braced, that all valves are operative, examine the netting of the boilers and the general condition of the boiler room, with special reference to fire risks.



## SESSIONAL PAPER No. 20c

He shall report any defects found to the division officer in charge and to the local officer in charge, so that prompt repairs can be made.

A certified report of the inspection and repairs (Form 2) shall be filed with the chief mechanical officer of the railway company, and a copy sent to the Board.

## MISCELLANEOUS RULES

## XII

Boilers in batteries connected to same steam header shall each have a suitable valve between boiler and header, which must be maintained in an operative condition.

## XIII

Each steam outlet from boiler (except safety valve connections) shall be equipped with a suitable valve, which must be maintained in an operative condition.

## XIV

Injectors and pumps must be kept in such condition that they will feed water into the boiler against the maximum pressure allowed on the boiler.

## XV

Boilers with any of the following defects shall be withdrawn from service until after proper repairs are made: Cracks in cylindrical boilers or headers; bags or bulges in shells of external fired boilers or unstayed surfaces of internal fired boilers; bulges in arch or water tubes; more than one gauge cock inoperative; safety valve inoperative.

## XVI

Boilers showing indications of having been low in water or of mud burning shall not be used until after inspection by a competent inspector.

## XVII

Where necessary to plug flues, the plugs shall be tied together with a rod not less than three-quarters of an inch in diameter, and a report of same made to the officer in charge, who will have proper repairs made.

## XVIII

When making internal inspection of one of a battery of boilers, another employee will be stationed outside of boiler, whose duty shall be to prevent steam valves from other boilers being opened into boiler being inspected.

## XIX

An annual certificate of inspection shall be posted under glass, in a conspicuous place in the boiler room. This certificate shall also show the number of the boiler, the allowed working pressure, the date of inspection, and the signature of inspector. Inspection certificates may be made in triplicate, and copy filed with Provincial Inspector of Boilers, if desired.

F. B. CARVELL,  
*Chief Commissioner.*

OTTAWA, February 16, 1921.

---



BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Form 1

STATIONARY BOILER REPORT  
(Insert name of Railway)

Specification card, boiler No. . . . .

- 1. Location. . . . .
- 2. Service. . . . .
- 3. Steam pressure. . . . .
- 4. Factor of safety. . . . .
- 5. Number of fire tubes. . . . .
- 6. Number of water tubes. . . . .
- 7. Heating surface. . . . .
- 8. Grate area. . . . .
- 9. Number of safety valves. . . . .Size. . . . .  
Type. . . . .
- 10. Size and type of injectors. . . . .
- 11. Size and type of pumps. . . . .
- The steam pressure and factor of safety was calculated on report dated. . . . .
- 19. . . . ., made by. . . . .is correct to the best of my knowledge and belief.

. . . . .Inspector.

Province of. . . . .

County of. . . . .

I HEREBY CERTIFY that to the best of my knowledge and belief the above report is correct.

. . . . .Master Mechanic. . . . .Officer in Charge.

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Form 2

STATIONARY BOILER REPORT  
(Insert name of Railway)

Semi-annual inspection of boiler No. . . . .

I have this. . . . .day of. . . . .19. . . .  
inspected, under steam, the boiler and appurtenances of boiler No. . . . .,  
located at. . . . ., and used as. . . . .  
All defects disclosed by said inspection have been repaired, except as noted on the back of this report.

- 1. Was steam gauge tested. . . . .
- 2. Safety valves set at. . . . .lbs. . . . .lbs. . . . .lbs. . . . .
- 3. Condition of boiler. . . . .
- 4. Condition of gauge cocks. . . . .
- 5. Condition of waterglass. . . . .
- 6. Condition of water column. . . . .
- 7. Condition of blowoff cock. . . . .
- 8. Condition of pump or injectors. . . . .
- 9. Condition of steam valves. . . . .
- 10. Condition of steam pipes. . . . .
- 11. Condition of brick setting. . . . .
- 12. Condition of boiler room. . . . .

. . . . .Inspector.

Province of. . . . .

County of. . . . .

I HEREBY CERTIFY that to the best of my knowledge and belief the above report is correct.

. . . . .Master Mechanic. . . . .Officer in Charge.



SESSIONAL PAPER No. 20c

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Form 3

STATIONARY BOILER REPORT  
(Insert name of Railway)

Annual inspection of boiler No. . . . .

Under the rules and instructions issued governing the inspection and testing of stationary boilers, I have this. . . . . day of. . . . . 192. . . . , inspected the boiler and appurtenances of boiler No. . . . . located at . . . . . and used as. . . . . all defects disclosed by said inspection have been repaired, except as noted on the back of this report.

1. Hydrostatic pressure of. . . . . lbs. applied.
2. Was furnace cleaned. . . . .
3. Was boiler washed. . . . .
4. Condition of braces. . . . . No. renewed. . . . .
5. Condition of staybolts. . . . . No. renewed. . . . .
6. Condition of fire tubes. . . . . No. renewed. . . . .
7. Condition of water tubes. . . . . No. renewed. . . . .
8. Condition of barrel. . . . .
9. Condition of firebox. . . . .
10. Condition of dome. . . . .
11. Condition of steam header. . . . .
12. Condition of steam valves. . . . .
13. Condition of steam pipes. . . . .
14. Condition of blowoff cock. . . . .
15. Condition of gauge cocks. . . . .
16. Condition of waterglass. . . . .
17. Condition of grates. . . . .
18. Condition of brick setting. . . . .
19. Was steam gauge tested. . . . .
20. Allowed working pressure. . . . .
21. Safety valves set at. . . . . lbs. . . . . lbs. . . . . lbs.
22. Were injectors or pumps tested. . . . .
23. Was boiler examined under steam. . . . .
24. Were appurtenances examined under steam. . . . .
25. Condition of boiler room. . . . .

Province of. . . . .  
County of. . . . .

I HEREBY CERTIFY that to the best of my knowledge and belief the above report is correct.  
. . . . . Master Mechanic. . . . . Officer in Charge.

GENERAL ORDER No. 331

*In the matter of exchange on passenger charges payable in respect of international traffic between Canada and the United States, and the application of the Railway Association of Canada, hereinafter called the "applicants", for the granting of surcharges on international passenger traffic.*

File No. 29890.5

Upon hearing the application at the sittings of the Board held in Ottawa, March 2, 1921, in the presence of counsel for the applicants, the Toronto, Hamilton, and



12 GEORGE V, A. 1922

Buffalo Railway Company, and the Montreal and Toronto Boards of Trade, the arguments addressed to the Board, the data furnished, and what was alleged, and after conferences with representatives of the applicants and reading the memoranda filed on behalf of the applicants, setting out in detail the surcharges it is proposed to apply at different points and the principles upon which such surcharges were based,—

*The Board Orders as follows:—*

1. A surcharge based on the full rate of exchange arrived at in accordance with the provisions of this Order may be added to the total through fares and charges as set out in section 6 hereof, and collected in Canada on all passenger and baggage car traffic to United States destinations from the following points in Canada via the routes set out in this section (subject to exemptions provided for in section 5 hereof):—

| From                       | Via                                    |
|----------------------------|--|
| Rock Island, Que.....      | Newport, Vt.                           |
| Stanstead, Que.            |  |
| Beebe Jct., Que.           |  |
| St. Armand, Que.....       | Highgate Springs, Vt.                  |
| Lacolle Que.....           | Rouses Point, N.Y.                     |
| Lacolle Jct., Que.         |  |
| St. Agnes, Que.....        | Fort Covington, N.Y.                   |
| Athelstan, Que.....        | Constable, N.Y.                        |
| Cornwall, Ont.....         | Nyando, N.Y.                           |
| Prescott, Ont.....         | Ogdensburg, N.Y.                       |
| Niagara Falls, Ont.....    | Suspension Bridge, N.Y., Buffalo, N.Y. |
| Niagara-on-the-Lake, Ont.  |  |
| Victoria Park, Ont.        |  |
| Falls View, Ont.           |  |
| Bridgeburg, Ont.....       | Buffalo, N.Y.                          |
| Windsor, Ont.....          | Detroit, Mich.                         |
| Walkerville, Ont.          |  |
| Sarnia, Ont.....           | Port Huron, Mich.                      |
| Sault Ste. Marie, Ont..... | Sault Ste. Marie, Mich.                |
| Fort Frances, Ont.....     | Ranier, Minn.                          |
| Rainy River, Ont.          |  |
| Emerson, Man.....          | Pembina, N.D.                          |
|                            | St. Vincent, Minn.                     |
|                            | Noyes, Minn.                           |
| Gretna, Man.....           | Neché, N.D.                            |
| West Gretna, Man.          |  |
| North Portal, Sask.....    | Portal, N.D.                           |
| Coutts, Alta.....          | Sweet Grass, Mon.                      |
| Kingsgate, B.C.....        | Eastport, Idaho.                       |
| White Rock, B.C.....       | Blaine, Wash.                          |



## SESSIONAL PAPER No. 20c

2. A surcharge based on 75 per cent of the rate of exchange so arrived at may be applied in the case of all such traffic to United States destinations from the following points in Canada via the routes set out in this section (subject to the exemptions provided for in section 5 hereof):—

| From  | Via  |
|---|--|
| (a) Montreal, Que.....and intermediate points...<br>St. Hyacinthe, Que.   | Rouses Point, N.Y.<br>Fort Covington, N.Y.<br>Malone, N.Y.<br>Highgate Springs, Vt.<br>Newport, Vt.<br>Island Pond, Vt.  |
| (b) Sherbrooke, Que.....and intermediate points...<br>Lennoxville, Que.   | Newport, Vt.   |
| (c) Valleyfield, Que.....and intermediate points...<br>Huntingdon, Que.   | Fort Covington, N.Y.<br>Highgate Springs, Vt.<br>Rouses Point, N.Y.  |
| (d) Russell, Ont.....and intermediate points...   | Nyando, N.Y.   |
| (e) Kemptville, Ont.....and intermediate points...<br>Morrisburg, Ont.  | Ogdensburg, N.Y.   |
| (f) Hamilton, Ont.....and intermediate points...<br>Caledonia, Ont.<br>Hagersville, Ont.<br>Jarvis, Ont.                  | Suspension Bridge, N.Y.<br>Buffalo, N.Y.   |
| (g) Smiths Falls, Ont.....and intermediate points...<br>Perth, Ont.<br>Westport, Ont.                                     | Morristown, N.Y.   |
| (h) Chatham, Ont.....and intermediate points...<br>Fargo, Ont.<br>Blenheim, Ont.<br>Amherstburg, Ont.<br>Leamington, Ont. | Detroit, Mich.   |
| (i) Petrolia, Ont.....and intermediate points...<br>Strathroy, Ont.<br>Forest, Ont.<br>Ailsa Craig, Ont.                  | Port Huron, Mich.  |
| (j) Morris, Man.....and intermediate points...  | Pembina, N.D.<br>St. Vincent, N.D.   |
| (k) Estevan, Sask.....and intermediate points...  | Portal, N.D.   |
| (l) Vancouver, B.C.....and intermediate points...<br>New Westminster, B.C.<br>Victoria, B.C.                              | Everett, Wash., or Seattle, Wash.,<br>to points west of the direct line<br>of M. St. P. and S.S.M., via<br>Miner, N.D., also to points west<br>of Minneapolis, Minn., St. Paul,<br>Minn., Sioux City, Iowa, Omaha,<br>Neb., Atchison, Kan., Kansas<br>City, Mo., St. Louis, Mo., Cairo,<br>Ill., Memphis, Tenn., Vicksburg,<br>Miss., New Orleans, La., and via<br>California to all points. |



12 GEORGE V, A. 1922

3. A surcharge based on 50 per cent of the rate of exchange so arrived at may be applied in the case of all such traffic to United States destinations from the following points in Canada via the routes set out in this section (subject to the exemptions provided for in section 5 hereof):—

| FROM                     | VIA                                   |
|--------------------------|---------------------------------------|
| St. John, N.B.....       | and intermediate points.....          |
| Fredericton, N.B.        | Vanceboro, Me.                        |
| Woodstock, N.B.          |                                       |
| Thetford Mines, Que. ... | and intermediate stations to but      |
| St. Ephrem, Que.         | not including Sherbrooke and          |
|                          | Megantic.....                         |
|                          | Newport, Vt.                          |
|                          | Beecher Falls, Vt.                    |
|                          | Island Pond, Vt., or                  |
|                          | Lowelltown, Me.                       |
| Victoriaville, Que.      | ... and stations to Danville, Que.,   |
|                          | inclusive.....                        |
|                          | Island Pond, Vt., or                  |
|                          | Newport, Vt.                          |
| Ottawa, Ont.....         | and intermediate stations to but      |
|                          | not including Russell, Ont.,          |
|                          | Kemptville, Ont., Smiths Falls,       |
|                          | Ont., Valleyfield, Que., and Mon-     |
|                          | treal, Que.....                       |
|                          | Nyando, N.Y.                          |
|                          | Ogdensburg, N.Y.                      |
|                          | Morristown, N.Y.                      |
|                          | Rouses Point, N.Y.                    |
|                          | Highbgate Springs, Vt.,               |
|                          | Newport, Vt., and                     |
|                          | Island Pond, Vt.                      |
| Toronto, Ont.....        | ...and intermediate stations to but   |
| Georgetown, Ont.         | not including Hamilton, Ont.,         |
| Guelph, Ont.             | Caledonia, Ont., Hagersville,         |
| Galt, Ont.               | Ont.. and Jarvis, Ont.....            |
| Paris, Ont.              | Suspension Bridge, N.Y.               |
| Tillsonburg, Ont.        | Buffalo, N.Y.                         |
| London, Ont.....         | ...and intermediate stations to but   |
| St. Thomas, Ont.         | not including Strathroy, Ont.,        |
| Stratford, Ont.          | Ailsa Craig, Ont., Fargo, Ont.,       |
| Courtwright, Ont.        | or Blenheim, Ont.....                 |
|                          | Detroit, Mich.                        |
|                          | Port Huron, Mich.                     |
| Winnipeg, Man.....       | and intermediate stations.....        |
|                          | Neché, N.D.                           |
|                          | Pembina, N.D.                         |
|                          | St. Vincent, Minn..                   |
|                          | Noyes, Minn. to points                |
|                          | west of Sault Ste. Marie, Mich.,      |
|                          | Port Huron, Mich.,                    |
|                          | Detroit, Mich.,                       |
|                          | Toledo, Ohio, and points south        |
|                          | thereof also to points east of States |
|                          | of Idaho and California.              |
| Weyburn, Sask. ....      | and intermediate stations to but      |
|                          | not including Estevan, Sask.....      |
|                          | Portal, N.D.                          |



## SESSIONAL PAPER No. 20c

4. A surcharge based on 25 per cent of the rate of exchange so arrived at may be applied in the case of all such traffic to United States destinations from all other points in Canada (subject to the exemptions provided for in section 5 hereof):—

5. No exchange surcharge will be collected on such traffic from points in Canada to the following United States destinations via the routes set out in this section:—

| To  | VIA  | FROM                            |
|---|--|---------------------------------|
| Vanceboro, Me.....                        | and intermediate stations in Maine.....C. P. Rly.....              | New Brunswick.                  |
| Houlton, Me.                              |  | Nova Scotia.                    |
| Presque Isle, Me.                         |  | Prince Edward Island.           |
| Fort Fairfield, Me.                       |  |                                 |
| Caribou, Me.                              |  |                                 |
| Lowelltown, Me.                           | C. P. Rly.....   | From and through Megantic, Que. |
| Norton Mills, Vt.....                     | G. T. Rly.....   | All points.                     |
| Lake, Vt.                                 |  |                                 |
| Summit, Vt.                               |  |                                 |
| Island Pond, Vt.                          |  |                                 |
| Beecher Falls, Vt.....                    | Me. Cent. R.R.....   | All points.                     |
| North Troy, Vt.....                       | C. P. Rly.....   | All points.                     |
| Centre, Vt.                               |  |                                 |
| Newport, Vt.                              |  |                                 |
| Derby Line, Vt.....                       | B. & M.R.R.....  | All points.                     |
| Newport, Vt.                              |  |                                 |
| Highgate Springs, Vt.....                 | C. V. Rly.....   | All points.                     |
| Rouses Point, N.Y.....                    | All Routes.....  | All points.                     |
| Constable, N.Y.....                       | N. Y. C. R.R.....  | All points.                     |
| Fort Covington, N.Y.....                  | G. T. Rly.....   | All points.                     |
| Nyando, N.Y.....                          | N. Y. C. R.R.....  | All points.                     |
| Ogdensburg, N.Y.....                      | All Routes via Prescott, Ont.....                                  | All points.                     |
| Niagara Falls, N.Y....                    | All Routes.....  | All points.                     |
| Suspension Bridge, N.Y.                   |  |                                 |
| Tonawanda, N.Y.                           |  |                                 |
| Buffalo, N.Y.....                         | All Routes.....  | All points.                     |
| Black Rock, N.Y.                          |  |                                 |
| Detroit, Mich.....                        | All Routes via Windsor, Ont., or Sarnia, Ont....                   | All points.                     |
| Port Huron, Mich.....                     | G.T.R. via Sarnia, Ont..   | All points.                     |
| Sault Ste. Marie, Mich.....               | All Routes via Sault Ste. Marie, Ont.....                          | All points.                     |
| Stations on C. N. Rlys. in Minnesota..... | C.N.R., via Rainy River, Ont., or Middlebro, Man.....              | All points.                     |
| Ranier, Minn. . . . .                     | C. N. Rlys, via Fort Frances, Ont.....                             | All points.                     |
| Noyes, Minn.....                          | All Routes via Emerson, Man.....                                   | All points.                     |
| St. Vincent, Minn.                        |  |                                 |
| Pembina, N.D.                             |  |                                 |
| Neche, N.D....                            | C. P. Rly., via Gretna Man., and G. N. Rly., via West Gretna, Man. | All points.                     |
| Walhalla, N.D. . . . .                    | G. N. Rly.....   | Manitoba points.                |
| St. John's, N.D.                          |  |                                 |



# RAILWAY COMMISSIONERS FOR CANADA

12 GEORGE V, A. 1922

| To  | VIA  | FROM  |
|---|--|---|
| Portal, N.D.....                                | C. P. Rly., via North<br>Portal, Sask.....                             | All points.   |
| Sweet Grass, Mon.....                           | C. P. Rly., via Coutts,<br>Alta.....                                   | Alberta points.   |
| Gateway, Mon.....                               | G. N. Rly., via Baynes,<br>B.C.....                                    | British Columbia points.  |
| Eastport, Idaho.....                            | C. P. Rly., via Kings-<br>gate, B.C.....                               | All points.   |
| Northport, Wash.....                            | G. N. Rly.....   | British Columbia points<br>north of stations named.   |
| Laurier, Wash.                                  |  |   |
| Danville, Wash.                                 |  |   |
| Ferry, Wash.                                    |  |   |
| Molson, Wash.                                   |  |   |
| Croville, Wash.                                 |  |   |
| Blaine, Wash., to Seattle, Wash., included..... | G. N. Rly., via White<br>Rock, B.C.....                                | Vancouver, B.C. and Can-<br>adian stations interme-<br>diate between Vancou-<br>ver, B.C., and Seattle<br>Wash. |
| Seattle, Wash.....                              | C.P., B. C. Coast Steam<br>ships and G. T. P.<br>Coast Steamships..... | Vancouver, B.C.<br>Victoria, B.C.   |
| Alaska Points.....                              | C.P., B.C. Coast Steam-<br>ships.....                                  | All points.   |

6. The surcharge herein provided for will be calculated at the rate governing at the date of issue of ticket, check, or receipt upon the amount of the through fare or charge from starting point to destination, for:—

- (a) Passage tickets,
- (b) Sleeping car tickets,
- (c) Parlor car tickets,
- (d) Excess or other revenue baggage car traffic and special baggage cars.
- (e) Collections for transfer or special delivery of baggage in United States cities.

7. In arriving at the surcharge, the rate of exchange quoted for New York funds by the Bank of Montreal in Montreal at noon on the last day of each month will govern from the first to the fourteenth inclusive of the following month: similarly such quotation at noon on the fourteenth will govern from the fifteenth to the last day inclusive of such month; should the governing date fall on a Sunday or Canadian or United States legal holiday the noon quotation of the preceding day will govern. In determining the rate of exchange and surcharge to be applied, fractions less than one-half will be disregarded, and fractions of one-half or over will be counted as one per cent.

8. Telegraphic advice will be sent to railway agents in Canada on the last day of each month specifying the rate of exchange on which surcharge will be based from the 1st to the 14th inclusive of the following month; and on the 14th day of each month specifying the rate effective from the 15th to the last day, inclusive, of such month. Agents must file such telegraphic advice with the tariff governing such surcharge.

9. Each railway company shall file with the Board effective March 15th instant, a special tariff setting forth the charges to be made in accordance with the provisions of this order and corresponding to the varying rates of exchange, and in such tariffs



## SESSIONAL PAPER No. 20c

they will be permitted to arrange the amounts on which the surcharges are to be assessed in groups of not exceeding fifty cents, provided that the amount to be collected on account of exchange does not exceed the authorized rate on the average of each group.

*And the Board further Orders:* That the telegraphic advice as provided in section 8 of this order be posted in a conspicuous place in each passenger station in Canada of the railway companies over which the Board has jurisdiction; that the companies instruct their agents to inform the public when purchasing tickets to the United States that they have the right to purchase a ticket to the border in Canadian funds, if they so desire; and that a poster to this effect in large letters be posted in a conspicuous place in each passenger station as aforesaid.

*And the Board further Orders:* That the said railway companies furnish the Board with monthly statements showing the total receipts for international passenger traffic from each zone, with the surcharge received thereon, the portion accruing to the Canadian lines, and that accruing to the American lines, as well as the receipts from American roads, for traffic from the United States to Canada, divided in the same manner.

OTTAWA, March 5, 1921.

F. B. CARVELL,  
Chief Commissioner.

## GENERAL ORDER No. 332

*In the matter of the complaint of the Calgary Live Stock Exchange as to the restricted valuations on live stock shipped as part of settlers' effects, and claim that such valuations should equal those scheduled in the New Live Stock Contract, made effective by the Order of the Board No. 298, dated June 2, 1920.*

File No. 28233.8

Upon hearing the complaint at the sittings of the Board held in Calgary, October 20, 1920, the complainant, the Canadian Pacific Railway Company, and the Canadian National Railways being represented at the hearing, and what was alleged; and upon the report and recommendation of the Chief Traffic Officer of the Board,—

*The Board Orders:* That the live stock valuations in the classification of household goods and settlers' effects, as set out on page 100 of the Canadian Freight Classification No. 16, be amended so as to agree with the provisions of section 1 of the Live Stock Bill of Lading, Schedule "A", approved by the general order of the Board No. 298, dated June 2, 1920.

OTTAWA, March 14, 1921.

F. B. CARVELL,  
Chief Commissioner.

## GENERAL ORDER No. 333

*In the matter of the Order of the Board No. 2139, dated December 6, 1906, as amended by Order No. 28742, dated August 29, 1919, prescribing the form, size, and style of the tariffs of telephone tolls to be charged by telephone companies; and the application of the Bell Telephone Company of Canada for an Order amending the said Orders to provide for the approval of the system of publication of long distance tolls, known as the "Standard Toll Rate Quoting System."*

File No. 3926.1

Upon reading the application and what is filed in support thereof, and the report and recommendation of the Traffic Officer of the Board,—



*The Board Orders as follows:—*

(a) That tariffs of telephone tolls hereafter filed with the Board be printed on sheets or in books of a size not to exceed eighteen inches in length and eighteen inches in width.

(b) That the said tariffs be specifically numbered in the upper right-hand corner by each telephone company, with the prefix "C.R.C.", beginning with C.R.C. No. 1, and that subsequent tariffs be numbered consecutively.

(c) That contracts, agreements, arrangements, or other forms which affect tolls shall conform in numbering with tariffs of tolls, and so far as may be convenient in dimensions also.

(d) That the said tariffs, contracts, agreements, arrangements, and other forms be accompanied by a filing advice in duplicate, which shall give the C.R.C. numbers of the enclosures, with the effective dates and descriptions thereof, in accordance with the accompanying form "A" the duplicate of which will be stamped and returned to the sender as the Board's acknowledgment of the receipt of the enclosures. That filing advices be uniform in size, eleven inches in length and eight and one-half inches in width, and be numbered consecutively, without the C.R.C. prefix, and without regard to the C.R.C. numbers of the enclosures.

(e) That the occasion for the issue be shown at the top of the front page of all tariffs, contracts, agreements, arrangements, and other forms following those first filed with the Board, thus: "Advance," "Reduction," "Reissue," or "New Rates," as the case may be.

(f) That the act of mailing by the company shall not constitute filing within the meaning of the Act, and that new tariffs, contracts, agreements, arrangements, or other forms shall actually have reached Ottawa three days in the case of a reduction or thirty days in the case of an advance, before they shall have become effective.

(g) That the accompanying form "B" of Certificate of Concurrence in Joint Tariffs be, and the same is hereby, prescribed under the powers conferred by the Railway Act, 1919; the said certificates to be uniform in size, eleven inches in length and eight and one-half inches in width, to be consecutively numbered, and to contain a full and exact description of the tariff concurred in, and to be signed in person by the official filing the same under the said provisions of the Railway Act, 1919, or by some person duly authorized to sign for him; such person to affix his signature in full to the name of the official for whom he signs; the Board to be kept advised of the persons to whom such authority is delegated; and that two copies of each certificate be sent to the Board, one of which will be stamped and returned to the sender as the Board's acknowledgment of receipt.

And whereas, by subsection 6 of section 375 of the Railway Act, 1919, the Board is authorized to make regulations determining and prescribing the manner in which tariffs of telephone tolls shall be published or kept open for public inspection,—

*The Board therefore further Orders:*

(1) That the company deposit and keep on file in each city, town, and village, in a convenient place, open for the inspection of the public, during business hours, a copy of its Exchange Tariff in use thereat, and print a notice prominently and in bold type in each of its Official Telephone Directories directing the public attention to the place in its office or offices in each city, town, and village where such tariffs are on file.

(2) That the company deposit and keep on file at each of its toll centres a complete set of its toll tariffs, including First Reference Lists and Rate Charts for each office, tributary to it, and also for the toll centre itself, and at tributary offices from which toll rates are quoted, a First Reference List shall be deposited and kept on file.



SESSIONAL PAPER No. 20c

(3) That at each office where exchange and toll tariffs of telephone tolls are kept on file, the person in charge at such office shall, upon application, produce any particular tariffs on file thereat, for inspection.

(4) The form of public notice aforesaid is hereby prescribed as follows:—

## TELEPHONE COMPANY

## PUBLIC NOTICE

The company's tariffs are open to public inspection.

The Exchange Tariff may be seen on application to the manager at the company's central office.

Long Distance Toll Tariffs may be seen on application at the head office of the company, in the city of... ..or to the company's manager at the toll centre of any locality, the name of which toll centre will be furnished by the manager of the local exchange.

The following are the toll centres in the district covered by this directory (to be followed by an alphabetical list of such toll centres).

*And the Board further Orders:* That the said Orders Nos. 2139 and 28742, dated respectively December 6, 1906, and August 29, 1919, be rescinded.

S. J. McLEAN,

*Assistant Chief Commissioner.*

OTTAWA, March 26, 1921.

A

.....  
(Insert name of telephone company here.)  
.....19....

FILING ADVICE No. ....

The Chief Traffic Officer,

Railway Commission for Canada,

Ottawa, Ont.

SIR,—In compliance with the requirements of the Railway Act, 1919, I transmit herewith, for approval and filing with the Commission, copies of Tariffs, et cetera, as follows:—

C.R.C.  
Number

Date Taking  
Effect

Description

(Signature).....



B

.....  
(Insert name of concurring telephone company here.)  
.....19..

CONCURRENCE CERTIFICATE No. ....

The Chief Traffic Officer,  
Railway Commission for Canada,  
Ottawa, Ont.

This is to certify that the.....Telephone company assents to and  
concurs in the publication and filing of the schedule described below, and hereby makes  
itself a party thereto:—

.....  
C.R.C. Number  
and Title  
.....  
.....  
.....  
(Here give exact description of title of schedule.)

Date of issue.....  
Date effective.....  
Issued by:  
(Official).....  
(Telephone Company).....  
(Signature).....

GENERAL ORDER No. 334

*In the matter of the General Order of the Board No. 188, dated April 23, 1917,  
prescribing Regulations for the Uniform Maintenance of Way Flagging Rules  
for Impassable Track, for the observance of every railway company within the  
legislative authority of the Parliament of Canada, and requiring that the said  
Rules be printed in the working time-tables of the railway companies.*  
File No. 4135.25

Upon the report and recommendation of the Chief Operating Officer of the  
Board,—

*The Board Orders:* That the said General Order No. 188, dated April 23, 1917,  
be, and it is hereby, amended to provide that the Regulations for the Uniform Main-  
tenance of Way Flagging Rules for Impassable Track may, at the option of the railway  
companies, be printed in the Rule Books of such companies, in lieu of the working  
time-tables, as provided in the said General Order No. 188.

F. B. CARVELL,  
Chief Commissioner.

OTTAWA, April 1, 1921.



SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 335

*In the matter of the General Order of the Board No. 236, dated May 20, 1918, prescribing certain regulations for the protection of railway employees, paragraph 2 of which reads as follows:—*

*“2. When more than one engine is attached to a train, the engineer of the leading engine shall operate the brakes: (File No. 1750.)*

File No. 4135.63

Upon reading the submissions filed on behalf of the railway companies and representatives of railway employees; and upon the report and recommendation of the Chief Operating Officer of the Board,—

*The Board Orders:* That the said General Order No. 236, dated May 20, 1918, be, and it is hereby, amended by adding to the said paragraph 2 the following, namely:—

*“In case of the leading engine giving up the train short of the destination of the train, a test of the brakes must be made to see that the same are operative from the engineer's valve of the engine remaining with the train.”*

S. J. McLEAN,  
*Assistant Chief Commissioner.*

OTTAWA, April 1, 1921.

## GENERAL ORDER No. 336

*In the Matter of the General Order of the Board No. 42, dated July 12, 1909, approving a Uniform Code for Canadian Railways; and in the matter of Rule 99, paragraphs 6 and 9 thereof, which read as follows:—*

*“If recalled before another train arrives he must at night or when weather conditions obscure day signals, or when snow ploughs or flangers may be running in addition to the two torpedoes, leave a fusee burning red at the point he returns from and at such other points on his return as may be necessary to insure full protection;*

*“Flagmen must each be equipped for day time with a red flag and four torpedoes, and for night time and when weather or other conditions obscure day signals, with a red light, a white light, and four torpedoes, three red fuses, and a supply of matches.”*

File No. 4135.77

Upon hearing the matter at the sittings of the Board held in Ottawa, September 27, 1920, the Canadian Pacific and Grand Trunk Railway Companies, the Canadian National Railways, the Michigan Central Railroad Company, the Brotherhood of Locomotive Firemen and Enginemen, the Brotherhood of Locomotive Engineers, and the Brotherhood of Railroad Trainmen being represented at the hearing, and what was alleged; and upon the report and recommendation of the Chief Operating Officer,—

*The Board Orders:* That the said paragraphs 6 and 9 of rule 99 be struck out and the following substituted therefor, namely:—

*“If recalled before another train arrives, he must in addition to the two torpedoes, leave a fusee burning red at the point he returns from, and while returning to his train—when snow ploughs or flangers may be running, curvature, weather, or other conditions governing—a fusee burning red must be placed at such points or times as the flagman may find necessary to insure full protection.*



12 GEORGE V, A. 1922

"To maintain the proper interval between trains, a fusee burning red must be left by the protected train, at the point from which it moves.

"Flagmen must each be equipped for day time with a red flag, 22 inches by 28 inches, on a staff, at least six torpedoes and five red fusees; and for night time, and when weather or other conditions obscure day signals, a red light, a white light, with a supply of matches, at least six torpedoes, and five red fusees".

S. J. McLEAN,

*Assistant Chief Commissioner.*

OTTAWA, April 2, 1921.

## GENERAL ORDER No. 337

*In the matter of the consideration of the question of charges for fixing car doors and loading charges in cases where box cars are supplied by a railway company in lieu of stock cars ordered by the shipper.*

File No. 27700.2

Upon reading the submissions filed on behalf of The United Grain Growers Limited, and the Canadian Pacific Railway Company,—

*The Board Orders as follows:—*

1. That when, at any public stockyards where loading is not done by the shipper and a charge for loading is made, box-cars are supplied to live stock shippers in lieu of stock cars, the doors of such cars shall be fixed to the satisfaction of the shipper, at the expense of the railway company having the line haul, such company being responsible for the supplying of a suitable vehicle.

2. That, where box-cars are supplied by a railway company to live stock shippers in lieu of stock cars, at any public stockyards where loading charges are in effect, the loading charge shall not be based on the number of box-cars actually furnished or loaded, but on the number of cars which would have been loaded had stock cars been supplied by the railway company.

S. J. McLEAN,

*Assistant Chief Commissioner.*

OTTAWA, April 8, 1921.

## GENERAL ORDER No. 338

*In the matter of the application of the Bell Telephone Company of Canada, hereinafter called the "applicant company", for an Order authorizing a general increase in its telephone tolls.*

Case No. 955

The application was heard at the sitting of the Board held in Ottawa, September 21, 1920, and January 5 to January 24, 1921; Hamilton, November 4, 1920; Toronto, November 5, 1920; and Montreal, November 10, 1920. Counsel for and representatives of the Applicant Company, Boards of Trade of Quebec, Montreal, Ottawa, and Toronto, the Chamber of Commerce of Hamilton, La Chambre du District de Montréal, the Cities of Ottawa, Montreal, Sherbrooke, Quebec, Toronto, Hamilton, and London, the Union of Canadian Municipalities, Union of Municipalities of the Province of Quebec, the King Street Improvement Association of Toronto, the County of York,



## SESSIONAL PAPER No. 20c

the Canadian Manufacturers' Association, Tenants League of Montreal, Montreal Publicity Association, Butchers' Association of Montreal, Ontario Medical Association, Central Ratepayers' Association, Caledonia District Ratepayers' Association, the Academy of Medicine, Insurance Companies, Canadian Bankers' Association, Toronto Harbour Commissioners, the Government and Attorney General of Ontario, the Board of Education of Toronto, the Retail Merchants' Association of Canada, the Canadian Lumbermen's Association, and the Ontario Municipal Association were represented at the hearing, evidence was offered, and argument submitted; and the Board, by its judgment dated April 1, 1921, found that there was a deficit in the applicant company's necessary revenue of some two million one hundred thousand dollars; that, as against this, the increased long distance charges and the service connection charges would produce approximately one million one hundred and fifty thousand dollars, leaving the sum of approximately one million dollars to be obtained from the rates and charges for exchange service, to provide which the Board directed that an increase of ten per cent in the rates and charges for such exchange service be allowed.

Whereas, after the judgment was delivered and before the order issued, it was made clear to the Board that an error in computation as to the earnings of the company had been made, and that an increase of twelve per cent in the rates and charges for exchange service was necessary to provide the required revenue,—

And whereas the substantive judgment of the Board, dated April 12, 1921, reciting the fact of the said error in computation and setting forth how the mistake occurred, authorizes and allows an increase of twelve per cent in the said rates and charges for exchange service,—

*The Board accordingly therefore Orders as follows:—*

1. That the applicant company's tariff of tolls for long distance service, to replace all existing tariffs of tolls for such service, as set out in schedule 2 of the application filed with the Board under Case No. 955, be, and it is hereby, approved.

2. That an increase of twelve per cent in the applicant company's tariff of rates and charges for exchange service be, and it is hereby, authorized and allowed.

3. That an increase of twelve per cent in the applicant company's tariff of rates and charges for miscellaneous equipment and service be, and it is hereby, authorized and allowed.

4. That the rates and charges for exchange service at present applicable in the city of Montreal be reduced to those at present applicable in the city of Toronto; such rates and charges thereafter to be increased as provided for in paragraph 2 hereof.

5. That the applicant company's "Service connection charge", as shown in schedule 5 of the application, be, and it is hereby, authorized and allowed.

6. That the application for the change in rates as shown in schedules 1, 3 and 4 of the applicant company's application be, and it is hereby, refused.

7. That as an emergency provision, the applicant company's allowance for depreciation be computed on the basis of four per cent of the average depreciable plant.

8. That the increases herein allowed may become effective in not less than seven days after the filing of schedules with the Board.

9. That the increases hereby allowed be regarded as a temporary measure, to meet an existing emergency situation; the applicant company to continue to file the same monthly reports as at present, with such further special reports, if any, as may from time to time be called for by the Board.

S. J. McLEAN,  
*Assistant Chief Commissioner*

OTTAWA, April 13, 1921.

---



12 GEORGE V, A. 1922

## GENERAL ORDER No. 339

*In the matter of the Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, approved by the General Order of the Board No. 204, dated August 11, 1917; and the matter of reporting accidents and explosions to the Board.*

File No. 1717

Upon reading what is filed on behalf of the Bureau of Explosives, and the report and recommendation of the Traffic Officer of the Board,—

*The Board Orders:* That section 1434 of the said Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight be, and it is hereby, amended by striking out the words after the words "Union Station, Toronto", in subsection (a) thereof, and substituting therefor the words, "Accidents and explosions must also be reported to the secretary of the Board of Railway Commissioners, Ottawa, Ont."; and that section 1715 of the said regulations be amended by striking out the words after the words "Union Station, Toronto, Ont.", in subsection (a) thereof, and substituting therefor the words, "Accidents or fires must also be reported to the secretary of the Board of Railway Commissioners, Ottawa, Ont."

S. J. McLEAN,  
*Assistant Chief Commissioner.*

OTTAWA, May 7, 1921.

## GENERAL ORDER No. 340

*In the matter of the General Order of the Board No. 322, dated December 10, 1920, requiring all railway companies subject to the jurisdiction of the Board to withdraw Special Instruction "E" from their respective working time-tables, and hereafter observe the Uniform Code of Rules for Canadian Railways approved by General Order No. 42, dated July 12, 1909; the necessary changes and instructions to employees to become effective June 1, 1921;*

*And in the matter of the application of the Canadian Pacific Railway Company and the Canadian National Railways for an extension of time beyond the said 1st day of June, 1921.*

File No. 4135.26

Upon hearing the matter at the sittings of the Board held in Ottawa, May 17, 1921, the Canadian Pacific Railway Company, Canadian National Railways, Michigan Central Railroad Company, Railway Association of Canada, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Locomotive Engineers, Brotherhood of Railroad Trainmen, and Brotherhood of Railway Conductors being represented at the hearing, and what was alleged,—

*The Board Orders:* That, pending further hearing, the time within which the changes and instructions, required under the said General Order No. 322 to become effective on June 1, 1921, be, and it is hereby, extended until the 15th day of June, 1921.

F. B. CARVELL,  
*Chief Commissioner.*

OTTAWA, May 19, 1921.



SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 341

*In the matter of the application of the Fuel Dealers' Association of Greater Winnipeg, the Winnipeg Board of Trade, and others for a reduction in the freight rates on coal in Western Canada, between the dates of April 1 and October 1 of each year.*

File No. 27425.53

Upon hearing the application at the sittings of the Board held in Winnipeg, April 27, 1921, the Fuel Dealers' Association of Greater Winnipeg, the Dominion Collieries of Saskatchewan, the provinces of Manitoba, Saskatchewan, and Alberta, coal operators and coal dealers of the Edmonton District, Drumheller, and Calgary, the Calgary Retail Dealers' Association, the Trades Commission of Alberta, the Boards of Trade of Montreal and Toronto, the Canadian Pacific Railway Company, and the Canadian National Railways being represented at the hearing, and what was alleged,—

*The Board Orders:* That all railway companies subject to the jurisdiction of the Board interested in the coal movement in the three Prairie Provinces, be, and they are hereby, required to reduce the rates on coal from mines in the provinces of Alberta and Saskatchewan to points in the provinces of Alberta, Saskatchewan, and Manitoba, by ten per cent, including coal actually billed out up to and including the 31st day of August next; such companies to file tariffs to this effect, effective on the 1st day of June next.

F. B. CARVELL,  
Chief Commissioner.

OTTAWA, May 21, 1921.

## GENERAL ORDER No. 342

*In the matter of the application of the railway companies subject to the jurisdiction of the Board for approval of reduced standard passenger fares, to become effective July 1, 1921.*

File No. 29996.25

Whereas supplements to standard passenger tariffs have been filed by the under-mentioned railway companies, to become effective July 1, 1921, on the reduced basis prescribed by the Judgment of the Board, dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

*The Board Orders:* That the following supplements to standard passenger tariffs be, and they are hereby, approved, the said supplements to be published in at least two consecutive weekly issues of the *Canada Gazette*, preceded by the following notice:—

“The undermentioned supplements to standard passenger tariffs, effective July 1, 1921, having been filed for the approval of the Board of Railway Commissioners for Canada, and having been found by the Board to be in accordance with its Judgment, dated September 6, 1920, and its General Order No. 308, dated September 9, 1920, and having been approved by its General Order No. 342, dated June 9, 1921, the same are hereby published.”

|  |           |
|--|-----------|
|  | C.R.C. No |
| Boston and Maine Railroad... .. Supplement No. 3 to  | 305       |
| Canadian National Railways... .. Supplement No. 4 to |           |
| Canadian Northern                                    | W-1492    |
| Canadian National Railways... .. Supplement No. 3 to |           |
| Canadian Northern                                    | E-1064    |



12 GEORGE V, A. 1922

C.R.C. No.

|                                       |                                 |        |
|---------------------------------------|---------------------------------|--------|
| Canadian National Railways.. . . .    | Supplement No. 3 to             |        |
|                                       | Halifax and South Western       | P-77   |
| Canadian Pacific Railway.. . . .      | Supplement No. 3                | E-3187 |
| Central Vermont Railway.. . . .       | Supplement No. 4                | 502    |
| Dominion Atlantic Railway.. . . .     | Supplement No. 3                | 404    |
| Fredericton and Grand Lake Coal and   |                                 |        |
| Railway.. . . .                       | Supplement No. 3                | 4      |
| Glengarry and Stormont Railway.. . .  | Supplement No. 4                | 2      |
| Grand Trunk Pacific Railway . . . .   | Supplement No. 4                | 660    |
| Grand Trunk Railway.. . . .           | Supplement No. 4                | E-2669 |
| Great Northern Railway.. . . .        | Supplement No. 4                | 1161   |
| Maine Central Railroad.. . . .        | Supplement No. 4                | 214    |
| Michigan Central Railroad.. . . .     | Supplement No. 4                | 2441   |
| Napierville Junction Railway.. . . .  | Supplement No. 4                | 92     |
| New Brunswick Coal and Railway . .    | Supplement No. 3                | 4      |
| New York Central Railroad.. . . .     | Supplement No. 5                | 191    |
| Northern Pacific Railway (The Midland |                                 |        |
| Railway Company of Manitoba)..        | Supplement No. 3                | 317    |
| Pere Marquette Railway.. . . .        | Standard Passenger Tariff No. 6 | 609    |
| Quebec Central Railway.. . . .        | Supplement No. 3                | 174    |
| Toronto, Hamilton and Buffalo Rail-   |                                 |        |
| way.. . . .                           | Supplement No. 3                | 1209   |
| Wabash Railway.. . . .                | Supplement No. 3                | 996    |

S. J. McLEAN,

Assistant Chief Commissioner.

OTTAWA, June 9, 1921.

## GENERAL ORDER No. 343

*In the matter of the General Order of the Board No. 322, dated December 10, 1920, requiring all railway companies subject to the jurisdiction of the Board to withdraw Special Instruction "E" from their respective working time-tables and hereafter observe the Uniform Code of Rules for Canadian Railways approved by General Order No. 42, dated July 12, 1909; the necessary changes and instructions to employees to become effective June 1, 1921; and the Order of the Board No. 340, dated May 19, 1921; extending such effective date until the 15th day of June, 1921;*

*And in the matter of the application of the Railway Association of Canada for certain amendments to Rules 93 and 99 of the General Train and Interlocking Rules, so as to provide for the method of operation now employed by certain of its member railways under so-called Special Instruction "E."*

File No. 4135.26

Upon hearing the matter at the sittings of the Board held in Ottawa, June 15, and 16, 1921, the Railway Association of Canada, the Canadian Pacific, Grand Trunk, and Toronto, Hamilton and Buffalo Railway Companies, the Canadian National Railways, the Michigan Central Railroad Company, the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Brotherhood of Railway Trainmen, and the Brotherhood of Railway Conductors being represented at the hearing, and what was alleged,—



## SESSIONAL PAPER No. 20c

*The Board Orders:* That the time within which the said changes and instructions may become effective be, and it is hereby, extended until the 1st day of September, 1921, or until further order of the Board.

F. B. CARVELL,  
Chief Commissioner.

OTTAWA, June 17, 1921.

## GENERAL ORDER No. 344

*In the matter of the consideration of the ruling of the Canadian Freight Association, as communicated to the Board by letter dated June 30, 1921, from W. C. Chisholm, K.C., that section 14 of the Board's General Inter-switching Order No. 252, dated October 26, 1918, is construed to authorize the local road haul scale of 24 cents first-class as the "ordinary published rate to the interchange."*

File No. 6713.184

Upon hearing the matter at the sittings of the Board held in Ottawa December 21, 1920, the Canadian Freight Association, Canadian Pacific Railway Company, Canadian National Railways and the Boards of Trade of Toronto and Montreal being represented at the hearing, and what was alleged,—

*The Board Orders:* That the words "ordinary published rate", as contained in the said section 14 of General Order No. 252, dated October 26, 1918, be construed to mean the rate that would be charged for the same movement as a local switching and not an interswitching operation.

S. J. McLEAN,  
Assistant Chief Commissioner.

OTTAWA, June 27, 1921.

## GENERAL ORDER No. 345

*In the matter of the consideration of the question of establishing a standard track centre for the construction of divisional points, terminal sorting yards, and sidings which will provide a safe clearance for the movement of trainmen and yardmen in the performance of their duties.*

File No. 28290

Upon hearing the matter at the sittings of the Board held in Ottawa, January 7, 1919, the Canadian Pacific and Grand Trunk Railway Companies, the Canadian National Railways, the Michigan Central and the New York Central Railroad Companies, the Brotherhood of Locomotive Engineers, and the trainmen and yardmen being represented at the hearing, and what was alleged; and upon reading the written submissions filed,—

*The Board Orders:* That tracks of all railway companies subject to the jurisdiction of the Board laid after the 1st day of January, 1922, be placed at the following minimum distances, namely:—

- |   |         |
|---|---------|
| 1. Main tracks.. . . . .                                    | 13 feet |
| 2. Main and passing tracks.. . . . .                        | 14 feet |
| 3. Main or running track and parallel yard tracks.. . . . . | 14 feet |



12 GEORGE V, A. 1922

|  |                  |
|--|------------------|
| 4. Receiving, sorting, and classification yard tracks.. . . .  | 13 feet 6 inches |
| 5. Storage tracks.. . . .                                      | 13 feet 6 inches |
| 6. Parallel ladder tracks.. . . .                              | 18 feet          |
| 7. Ladder and other tracks.. . . .                             | 15 feet          |
| 8. Freight shed tracks.. . . .                                 | 12 feet          |
| 9. Team tracks in pairs.. . . .                                | 12 feet          |
| 10. Passenger station tracks, without platform between.. . . . | 13 feet          |

*And the Board further Orders:* That any such tracks now laid which are rearranged after January 1, 1922, be placed in accordance with the minimum clearances herein provided.

F. B. CARVELL,  
Chief Commissioner.

OTTAWA, June 23, 1921.

### GENERAL ORDER No. 346

*In the matter of the General Order of the Board No. 204, dated August 11, 1917, authorizing, for the observance of the railway companies subject to the jurisdiction of the Board which accept explosives for carriage, the Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight; and the application of the Electric Reduction Company, Limited, of Buckingham, Quebec, for a change in the said Regulations so as to permit of the shipment of phosphorus in metal containers.*

File No. 1717.29

Upon reading what is filed in support of the application and on behalf of the Railway Association of Canada and the Bureau of Explosives, revised regulations in line with those approved by the Interstate Commerce Commission being recommended on behalf of the said Bureau of Explosives,—

*The Board Orders:* That section 1832 of the said Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, as authorized by the said General Order No. 204, dated August 11, 1917, be, and it is hereby, struck out and the following substituted therefor, namely:—

“1832 (a) White or yellow phosphorus must be placed in water, in sealed metal vessels enclosed in wooden boxes (see Specification No. 18) or in metal drums of not exceeding 25 Imperial gallons capacity, complying with Specification No. 5: Provided that drums of not exceeding 8 Imperial gallons capacity must be constructed of full 16 gauge and drums of not exceeding 24 Imperial gallons capacity of not less than full 14 gauge.

“(b) Amorphous (red) phosphorus must be packed in sealed metal containers enclosed in wooden boxes, complying with Specification No. 18.”

F. B. CARVELL,  
Chief Commissioner.

OTTAWA, September 23, 1921.



SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 347

*In the matter of the General Order of the Board No. 258, dated November 25, 1918; and Rule 26 of the "General Train and Interlocking Rules", approved by Order No. 7563, dated July 12, 1909, providing that a blue flag by day and a blue light at night be displayed at one or both ends of an engine, car, or train for the protection of workmen engaged in, under, or around cars on regular repair tracks.*

File No. 20847

Upon the report and recommendation of the Chief Operating Officer of the Board, and reading the submissions filed by the Railway Association of Canada, on behalf of the railway companies,—

*The Board Orders:* That the said General Order No. 258, dated November 25, 1918, be, and it is hereby, amended by striking out the words, "the day signal (flag) to be 22 by 28 inches in size," in the sixth and seventh lines of paragraph 1 of the order, and substituting therefor the words, "the day signal may be of rigid material, 22 inches by 28 inches in size, with rounded corners, painted royal blue, with a border of white on both sides, 1½ inch in width."

F. B. CARVELL,  
*Chief Commissioner.*

OTTAWA, November 2, 1921.

---

GENERAL ORDER No. 348

*In the matter of the General Order of the Board No. 271, dated September 10, 1919, with respect to the Canadian Freight Classification and the Express Classification for Canada, and sections 322 and 360 of the Railway Act, 1919.*

File No. 25639

Upon reading the submission filed,—

*The Board Orders:* That the said General Order No. 271, dated September 10, 1919, be, and it is hereby, amended by adding at the end of page 2 of the order the words, "The Canadian Traffic League."

F. B. CARVELL,  
*Chief Commissioner.*

OTTAWA, November 10, 1921.

---

GENERAL ORDER No. 349

*In the matter of the application of the Canadian Manufacturers' Association, Canadian Retail Coal Dealers' Association, Canadian Pulp and Paper Association, Dominion Millers' Association, Western Retail Lumbermen's Association, Canadian Lumbermen's Association, Retail Merchants' Association of Canada, Premier Potato Company, Limited, the A. B. Cushing Lumber Company, Limited, The Steel Company of Canada, Limited, The Canadian Traffic League, The Ontario Retail Lumber Dealers' Association, Boards of Trade of Toronto, Peterborough, Hamilton, Montreal, Halifax, and Vancouver requesting the*



12 GEORGE V, A. 1922

*Board to call upon the railway companies and the Canadian Car Demurrage Bureau to show cause why the charges contained in Rule 9 of the Canadian Car Demurrage Rules should not now be reduced to the normal rate of \$1 per car per day.*

File No. 1700

Upon hearing the application at the sittings of the Board held in Ottawa, June 21, 1921, the applicants, the Railway Association of Canada, the Canadian Car Demurrage Bureau, and the Canadian Pacific and Grand Trunk Railway Companies being represented at the hearing, and what was alleged; and upon reading the written submissions filed,—

*The Board Orders:* That rule 9 of the Canadian Car Demurrage Rules, as prescribed by the general order of the Board No. 201, dated August 1, 1917, be, and it is hereby, amended by striking out all the words after the word "released", in the second line thereof, and substituting therefor the words:—

"For the first day, or fraction thereof, of delay... ..One dollar.  
 "For the second day, or fraction thereof, of delay... ..One dollar.  
 "For the third and each succeeding day, or fraction of a day... ..Five dollars."

Effective December 5, 1921.

F. B. CARVELL,  
*Chief Commissioner.*

OTTAWA, November 23, 1921.

#### GENERAL ORDER No. 350

*In the matter of the increases in freight rates and sleeping and parlor car fares, authorized under the General Order of the Board No. 308, dated September 9, 1920:*

*And in the matter of the Board's powers under section 325 of the Railway Act, 1919.*

File No. 31214

Whereas the Board has decided that there should be a general reduction in the tolls which were increased under its General Order No. 308, dated September 9, 1920,—

*It is ordered as follows:—*

1. That the railway companies operating steam railways subject to the jurisdiction of the Board file tariffs, effective December 1, 1921, providing for the following reductions in domestic freight rates within Canada, excepting trans-continental commodity rates (hereinafter mentioned) and rates on coal, crushed stone, sand, and gravel, as follows:—

(a) In the territory east of and including Westfort, Fort William, and Port Arthur, Ont., rates based upon twenty-five per cent over the rates in effect prior to September 13, 1920.

(b) In the territory west of and including Port Arthur, Fort William, and Westfort, Ont., rates based upon twenty per cent over the rates in effect prior to September 13, 1920.

(c) On through rates between eastern and western territories, the above named percentages shall apply to the eastern and western factors respectively.

(d) Recognized differentials in commodity rates to be preserved as far as practicable.



SESSIONAL PAPER No. 20c

(e) Transcontinental commodity rates shall be constructed on the basis of an increase of twenty-three and one-third per cent over the rates in effect prior to September 13, 1920.

2. That sleeping and parlor car fares be reduced to the basis of twenty-five per cent over the fares in effect prior to September 13, 1920.

3. Provided that no rates at present in effect be increased under the provisions of this general order.

*And it is Further Ordered:*

4. That this order shall not apply to the minimum class scale established by Order in Council P.C. 1863, nor to switching rates and charges for special services, such as milling-in-transit, stopover, demurrage, and weighing.

5. That, in working out the rates authorized under this order, fractions be disposed of as set out in the said Order in Council P.C. 1863.

F. B. CARVELL,  
*Chief Commissioner.*

OTTAWA, November 24, 1921.

---

#### GENERAL ORDER No. 351

*In the matter of the General Order of the Board No. 350, dated November 24, 1921, providing for certain reductions in domestic freight rates, excepting transcontinental commodity rates, within Canada; also in sleeping and parlor car fares.*

File No. 31214

*The Board Orders:* That the said General Order No. 350, dated November 24, 1921, be, and it is hereby, amended by adding the following clause to paragraph 1 of the order, namely:—

“(f) That rates on cordwood, slabs, edgings, and mill refuse for fuel purposes be restored to the basis in effect prior to September 13, 1920.”

F. B. CARVELL,  
*Chief Commissioner.*

OTTAWA, November 26, 1921.

---

#### GENERAL ORDER No. 352

*In the matter of the application of railway companies subject to the jurisdiction of the Board for approval of reduced standard freight tariffs of maximum mileage tolls to become effective December 1, 1921.*

File 31214.12

Whereas standard freight tariffs have been filed by the undermentioned railway companies, to become effective December 1, 1921, on the reduced basis prescribed by General Order of the Board No. 350, dated November 24, 1921,—







SESSIONAL PAPER No. 20c

## CIRCULAR No. 191

February 8, 1921.

Case No. 4704

RULES FOR WIRE CONSTRUCTION ALONG OR ACROSS RAILWAYS OR ACROSS OR NEAR OTHER  
LINES, WIRES, CONDUCTORS, STRUCTURES OR APPLIANCES

Referring to circular No. 186, dated January 5, 1920, applying General Order No. 231, dated May 6, 1918, and the conditions and specifications thereby approved, to construction along as well as across the railway.

Since section 372, subsection 1 (b) applies to construction across or near other lines, wires, conductors, structures, or appliances within the legislative authority of the Parliament of Canada, where, therefore, the construction, whether along or across the railway or across or near other lines, wires, conductors, structures, or appliances, is by consent and in accordance with the Standard Conditions and Specifications set out in the schedule to General Order No. 231, and approved by that order, no further leave of the Board is necessary.

A. D. CARTWRIGHT,  
*Secretary.*

## CIRCULAR No. 192

June 15, 1921.

## EXPLOSION OF LOCOMOTIVE BOILERS

File 16513

Some time ago there was an explosion in the boiler of a locomotive, and, upon the arrival of the Board's Inspector, it was found that the water glass mountings, all gauge cocks, and left top check had been taken off the boiler and forwarded to the company's offices.

When such accidents occur in future, the Board desires it to be distinctly understood that the appurtenances in connection with the water supply of the locomotive boiler must not be removed from the boiler and in no way interfered with until after the Board's Inspector has completed his inspection.

In this connection reference is made to clause 50 of the Board's General Order No. 78, requiring the railway company concerned to send to the Board's Chief Operating Officer, at Ottawa, a telegraphic report of such occurrences, and stating where the locomotive may be inspected.

By Order of the Board,

A. D. CARTWRIGHT,  
*Secretary.*

## CIRCULAR No. 193

August 12, 1921.

## HAND-HOLDS OVER THE DOORWAYS, INSIDE OF BAGGAGE, MAIL AND EXPRESS CARS

File 31162.

A recent investigation held by the Board's Operating Department into a serious accident discloses the fact that hand-holds over the doorways, inside of baggage, mail and express cars, etc., are not at all times secured to the frame of the cars as they should be; nor do they comply with the safety regulations prescribed in General Order No. 102.



12 GEORGE V, A. 1922

The attention of the railway companies is called to this condition and they are requested to have their equipment looked over as quickly as possible and strengthen the means of fastening these hand-holds, where necessary, so that a repetition of the accident referred to above will be guarded against.

By Order of the Board,

A. D. CARTWRIGHT,  
*Secretary.*

---

CIRCULAR No. 194

OTTAWA, October 19, 1921.

*Re* DUTIES OF RAILWAY COMPANIES AS TO FENCING

File No. 27920.1

Numerous complaints are being made to the Board as to inefficient fencing by railway companies along their right of way, and it appears to the Board that, in many cases, these complaints are being viewed from the wrong standpoint.

For many years prior to 1911, the Railway Act contained a provision that, in some cases, fencing was not required unless specifically so ordered by the Board. This is found in the Railway Act, 1906, section 254, subsection (4), which reads as follows:—

“254. (4) Whenever the railway passes through any locality in which the lands on either side of the railway are not inclosed and either settled or improved, the company shall not be required to erect and maintain such fences, gates and cattle-guards unless the Board otherwise orders or directs.”

By chapter 22 of the Acts of 1911, section 9, subsection (4) of section 254 was repealed, and the following enacted in lieu thereof, viz:—

“4. The Board may, upon application made to it by the company, relieve the company, temporarily or otherwise from erecting and maintaining such fences, gates and cattle-guards where the railway passes through any locality in which, in the opinion of the Board, such works and structures are unnecessary.”

This is found in the present Railway Act as section 274, subsection (4).

It will thus be seen that it is the duty of every railway company to fence every portion of its right of way unless specifically relieved from so doing by an order of the Board, and, in the future, the Board is of opinion that, whenever an application is made for fencing, it should go as a matter of right, unless the railway company can show valid reasons why they should be brought under the provisions of the present Act, section 274, subsection (4).

By order of the Board,

A. D. CARTWRIGHT,  
*Secretary.*

---

CIRCULAR No. 195

OTTAWA, October 25, 1921.

FREIGHT RATE CHANGES

File No. 606.1

The Board is of the opinion that it should have available each day a condensed statement of proposed rate changes in freight tariffs as filed. The railways subject to the Board's jurisdiction are, therefore, requested to file in triplicate, with the filing



## SESSIONAL PAPER No. 20c

advice, a statement which shall show, in connection with schedules which advance or reduce rates formerly in effect, the following information:—

- (a) The C.R.C. number of the tariff or supplement.
- (b) The effective date.
- (c) The commodity affected (if published under an item number, proper reference thereto to be given).
- (d) The points from, to or between which the rates apply.
- (e) The amount of increase or decrease.
- (f) A concise statement of the reason for the rate changes.

If changes are made in regularly scaled class tariffs, a statement of the increase or decrease in the first-class rate will be sufficient.

If there is a general revision of class rates, such as those resulting from consolidation of railways, shortening of lines, new routes, etc., a general statement will be sufficient.

These statements should be headed "Freight Rate Changes," and should be numbered consecutively.

By order of the Board,

A. D. CARTWRIGHT,  
*Secretary.*

---







## INDEX TO JUDGMENTS

## A

|   | PAGE |
|---|------|
| Agricultural implement parts, classification of .....   | 72   |
| Alberta Department of Railways and Telephones <i>re</i> stopping in transit carloads of telephone poles for treatment ..... | 132  |

## B

|   |         |
|---|---------|
| Bell Telephone Co. <i>re</i> district rates (increase 12 per cent) .....                                  | 8       |
| Bell Telephone Co. v. Town of Dundas, <i>et al</i> —Increased rate, changes in service charges, etc. .... | 9       |
| B. C. Telephone Co. <i>re</i> increase in exchange, rentals and charges .....                             | 14, 124 |
| B. C. Telephone Co. increase in tolls and Rural Municipality of Nelson, B.C. ....                         | 154     |

## C

|   |     |
|---|-----|
| Canadian Fisheries Ass'n. v. Canadian Express Co. ....  | 31  |
| Canadian Fisheries Ass'n. <i>re</i> reduction in switching charges, Prince Rupert, B.C. ....                | 146 |
| Canadian Freight Classification <i>re</i> Item 10, Supplement 10 to C.F.C. No. 16. ....                     | 108 |
| Canadian Freight Ass'n. <i>re</i> Ruling Sec. 14, Interswitching Order .....                                | 100 |
| Canadian Pacific Railway <i>re</i> recovery of triple damages on livestock shipments to U.S. points .....   | 159 |
| Canada West Coal Co., Ltd., <i>et al</i> , <i>re</i> rates on coal .....                                    | 99  |
| Calgary Livestock Exchange, Complaint of, <i>re</i> valuation of settlers' live stock .....                 | 57  |
| Car Demurrage Rules .....   | 130 |
| Car Rental, Malcolm MacKay Ltd., St. John, N.B., <i>re</i> C.P.R. ....                                      | 96  |
| Cartage tariffs of Railway Companies, Complaint Toronto Board of Trade .....                                | 13  |
| Classification of Agricultural implement parts .....  | 72  |
| Coal Briquettes <i>re</i> cancellation of commodity rates on Nukol Fuel Co. of Canada, Ltd. ....            | 127 |
| Coal rates, reduction in, in Western Canada, per Fuel Dealers' Ass'n. of Greater Winnipeg .....             | 82  |
| Coal rates from Lethbridge and Crow's Nest districts to Winnipeg, <i>re</i> Canada West Coal Co., Ltd. .... | 99  |
| Consumers' Metal Co., Ltd., Montreal, <i>re</i> rates on scrap iron, Canada to United States..              | 129 |
| Cooperage stock <i>re</i> classification of, Sutherland Innes Co. Ltd. ....                                 | 129 |
| Crossings, steam and electric Rys. <i>re</i> interpretation of sections under Railway Act....               | 59  |

## D

|  |     |
|--|-----|
| Demurrage Rules—Car .....  | 130 |
| District Rates <i>re</i> Bell Telephone and Municipalities .....   | 8   |
| Dominion Sugar Co. <i>re</i> reduction in rates on Sugar Beets .....   | 11  |
| Dominion Millers' Ass'n. <i>et al</i> <i>re</i> stop-off charges on grain .....                                    | 151 |
| Drumheller Alta., Spur, Newcastle Junior Mining Co. ....   | 34  |
| Dundas, Town of, <i>et al</i> , Ont., v. Bell Telephone Co. Increased rates, changes in service charges, etc. .... | 9   |

## E

|   |         |
|---|---------|
| Exchange on passenger charges on International traffic between Canada and United States ..... | 14      |
| Exchange on freight charges, International traffic .....                                      | 43      |
| Exchange, rentals and charges for service. Increase, B.C. Telephone Co. ....                  | 14, 124 |
| Express Tolls, Appl'n. for 40 per cent increase .....   | 11, 51  |
| Express Classification, reduction in Ice Cream .....  | 94      |
| Express Cos'. Appl'n. 40 per cent increase in rates .....                                     | 11, 51  |



**F**

|   | PAGE |
|---|------|
| Farm crossing, Appl'n. of Abraham and Samuel Yacowar .....  | 102  |
| Fesserton Lumber Co., Ltd., <i>re</i> rates on raw wood material for manufacture of laths...            | 133  |
| Fish, rates on .....  | 31   |
| Freight charges, exchange on International Traffic .....  | 43   |
| Freight rates and sleeping and pullman car rates, <i>re</i> proposed reductions in .....                | 138  |
| Fruit and vegetables, unloading of carloads from Ontario stations to points in Maritime Provinces ..... | 104  |
| Fuel Dealers' Ass'n. of Greater Winnipeg <i>re</i> reduction in rates on Coal in Western Canada .....   | 82   |

**G**

|  |     |
|--|-----|
| Grain, stop-off charges on, <i>re</i> Dominion Millers' Ass'n., <i>et al</i> ..... | 151 |
| Grain, rates on, Levis Chamber of Commerce .....                                   | 121 |

**H**

|   |    |
|---|----|
| Hart type of wooden packing for frogs <i>re</i> equipment of railways with .....              | 55 |
| Hy Grade Coal Co., Ltd., compensation for construction, Canadian National Railways spur ..... | 34 |

**I**

|  |         |
|--|---------|
| Ice Cream and returned empties <i>re</i> National Dairy Council of Canada and reduction in   | 95      |
| Ice Cream, reduction in Express Classification .....   | 94      |
| Increase in exchange rentals and charges for service, B.C. Telephone Co. ....                | 14, 124 |
| International Bridge between Bridgeburg and Black Rock, passenger fares on .....             | 135     |
| Interswitching Order No. 252, Ruling on Sec. 14 .....  | 100     |
| International traffic <i>re</i> exchange on freight charges between Canada and United States | 43      |
| International traffic, Canada and United States—Exchange on passenger charges.....           | 14      |

**L**

|  |     |
|--|-----|
| Lake Erie & Northern and Grand River Ry. Cos. Standard Freight and Passenger Tariffs .....   | 88  |
| Laths, rates on raw material for manufacture of .....  | 133 |
| Lévis Chamber of Commerce <i>re</i> reduction in rates on grain .....                        | 121 |
| Liquors, <i>re</i> rate on, and supplement 15 to C.F.C. No. 16 .....                         | 56  |
| Livestock shipments to United States points <i>re</i> recovery of triple damages from C.P.R. | 159 |
| Livestock, valuation settlers' shipments .....   | 57  |

**M**

|  |    |
|--|----|
| Malcolm MacKay, Ltd., St. John, N.B., <i>re</i> C.P.R. car rental..... | 96 |
| Marconi Wireless Telephone Co. <i>re</i> increased rates .....         | 13 |
| Michigan Central Ry. Co. <i>re</i> subway in City of St. Thomas .....  | 46 |

**N**

|   |     |
|---|-----|
| National Dairy Council of Canada <i>re</i> rates on Ice Cream and returned empties.....     | 95  |
| Nelson, B.C., Rural Municipality of, <i>re</i> increase in tolls of B.C. Telephone Co.....  | 154 |
| Newcastle Junior Mining Co. spur, Drumheller, Alta. ....                                    | 34  |
| Nipissing Central Ry. Co., advance in passenger tolls .....                                 | 109 |
| Nukol Fuel Co., Ltd., Toronto, <i>re</i> cancellation of Commodity Rates on Coal Briquettes | 127 |

**O**

|   |     |
|---|-----|
| Office furniture <i>re</i> classification minimum weight of mixed carload .....   | 122 |
| One-man operated cars, operation of by St. Thomas Street Ry. ....   | 92  |
| Ontario Fruit Growers' Ass'n., <i>et al</i> , and Express Companies <i>re</i> unloading of carload fruit and vegetables ..... | 104 |

**P**

|   |     |
|---|-----|
| Passenger charges, International Exchange, Canada and United States .....       | 14  |
| Passenger fares on International bridge between Bridgeburg and Black Rock.....  | 135 |
| Passenger tolls, advance in, Nipissing Central Ry. Co. ....                     | 109 |
| Pulpwood, rates on, from Canadian points to Union Bag & Paper Co.'s mills ..... | 62  |
| Pullman, Parlour and Sleeping Car Rates .....                                   | 138 |



SESSIONAL PAPER No. 20c

**R**

|   | PAGE |
|---|------|
| Rates on coal from Lethbridge and Crow's Nest districts to Winnipeg, per Canada West Coal Co. ....      | 99   |
| Rates on coal, reduction in rates in Western Canada, per Fuel Dealers' Ass'n. of Greater Winnipeg ..... | 82   |
| Rates on Scrap Iron, Canada to United States .....  | 129  |
| Rates on grain, per Chamber of Commerce, Levis, P.Q. ....   | 121  |
| Rates on freight in and out of Simcoe, Ont. ....  | 53   |
| Rate on Liquors, (Supplement 15 to C.F.C. No. 16) .....   | 56   |
| Rockcliffe <i>re</i> Bell Telephone service tolls .....   | 76   |
| Rubber Ass'n. of Canada <i>re</i> revised rates on rubber tires and tubes .....                         | 123  |
| Rubber tires and tubes, revised rates on .....  | 123  |

**S**

|  |     |
|--|-----|
| Scrap iron <i>re</i> rates on from Canada to United States, and Consumers Metal Co., Ltd. ....             | 129 |
| Security Traffic Bureau <i>re</i> construction of Item 10, Supplement 10 to C.F.C. No. 16.....             | 108 |
| Settlers' livestock, valuation of .....  | 57  |
| Sections 306 and 307 Ry. Act, 1919, Interpretation <i>re</i> crossings (steam and electric)....            | 59  |
| Silver Standard Mining Co. v. G.T.P. ....  | 50  |
| Simcoe, Ont., rates on freight in and out of .....   | 53  |
| Sleeping, Pullman and Parlour car fares <i>re</i> proposed reductions .....                                | 138 |
| Standard track centres .....   | 85  |
| Standard freight and passenger tariffs, Lake Erie & Northern and Grand River Ry. Cos. ....                 | 88  |
| Steam and Electric Railway crossings, <i>re</i> interpretation of Sections of Railway Act..                | 59  |
| Stop-off charges on grain .....  | 151 |
| St. Thomas St. Ry. <i>re</i> operation of one-man operated cars .....                                      | 92  |
| St. Thomas City, Ont., v. M.C.R. Co. <i>re</i> subway .....  | 46  |
| Sugar beets, rates on in carloads .....  | 11  |
| Sutherland Innes Co., Ltd., <i>re</i> classification of cooperage stock similar to lumber rate basis ..... | 129 |
| Switching charges, reduction in, Canadian Fisheries Ass'n., Prince Rupert .....                            | 146 |

**T**

|  |     |
|--|-----|
| Telephone Tolls, Bell Telephone, increase 12 per cent .....                | 8   |
| Telephone poles <i>re</i> stoppage in transit for treatment .....          | 132 |
| Telephone tolls, Bell Telephone Co. <i>re</i> service in Rockcliffe .....  | 76  |
| Toronto Board of Trade <i>re</i> cartage tariffs of Railway Companies..... | 13  |
| Town Tariffs, rates in and out, Simcoe, Ont. ....                          | 53  |
| Track Centres, Standard .....  | 85  |
| Triple damages, recovery of on livestock shipments to U.S. points .....    | 159 |

**U**

|   |     |
|---|-----|
| Union Bag & Paper Co., rates on pulpwood from Canadian points .....   | 62  |
| Unloading of carload fruit and vegetables at stations, Ontario to Maritime Provinces and Western Canada ..... | 104 |

**W**

|   |    |
|---|----|
| Western Union and G.N.W. Telegraph Companies and Marconi Wireless Telephone Co. <i>re</i> increase in rates .....     | 13 |
| Wooden packing for frogs, wing rails, guard rails, and switches, <i>re</i> equipment of railways with Hart type ..... | 55 |

**Y**

|   |     |
|---|-----|
| Yacowar, Abraham and Samual <i>re</i> farm crossing ..... | 102 |
|---|-----|

**Z**

|  |    |
|--|----|
| Zinc concentrates, overcharge on shipment, Silver Standard Mining Co. v. G.T.P.R. .... | 50 |
|--|----|



The first of these is the fact that the Commission has been able to secure the cooperation of the various departments of the Government in the collection of the data required for the study of the problem. This has been accomplished by the issuance of a circular letter to the heads of the various departments, in which the Commission has stated its purpose and the nature of the data required. The heads of the various departments have responded to this circular letter in a most cordial and helpful manner, and have furnished the Commission with the data required for the study of the problem.

The second of these is the fact that the Commission has been able to secure the cooperation of the various departments of the Government in the collection of the data required for the study of the problem. This has been accomplished by the issuance of a circular letter to the heads of the various departments, in which the Commission has stated its purpose and the nature of the data required. The heads of the various departments have responded to this circular letter in a most cordial and helpful manner, and have furnished the Commission with the data required for the study of the problem.

The third of these is the fact that the Commission has been able to secure the cooperation of the various departments of the Government in the collection of the data required for the study of the problem. This has been accomplished by the issuance of a circular letter to the heads of the various departments, in which the Commission has stated its purpose and the nature of the data required. The heads of the various departments have responded to this circular letter in a most cordial and helpful manner, and have furnished the Commission with the data required for the study of the problem.

The fourth of these is the fact that the Commission has been able to secure the cooperation of the various departments of the Government in the collection of the data required for the study of the problem. This has been accomplished by the issuance of a circular letter to the heads of the various departments, in which the Commission has stated its purpose and the nature of the data required. The heads of the various departments have responded to this circular letter in a most cordial and helpful manner, and have furnished the Commission with the data required for the study of the problem.